

# Whittier Police Department

## Whittier PD Policy Manual

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### **CHIEF'S PREFACE**

Our policy manual is the foundation for all of the department's operations. As such, it is not a stagnant document but rather an ever-changing product of lawful practices and procedures that are essential in providing guidance and direction to every member of our organization. The manual is updated biannually in order to incorporate best practices, new mandated requirements/laws and address any corrections. In short, the policy manual provides us with information to act decisively, consistently, and legally while promoting confidence and professional conduct.

It is expected that all members of the Department continually review our policy manual, including biannual updates, to ensure familiarity with current procedures in a profession that is constantly changing. Such knowledge will support our efforts in maintaining our Department values: Service to our community, integrity, responsibility and accountability, professionalism, and pride. If at any time clarification is needed in regards policy manual content, I encourage you to contact your immediate supervisor or the Professional Standards Bureau.

Maintaining our goals of constitutional policing, procedural justice and living by the Code of Ethics will support a healthy and positive relationship with the communities we serve. Law Enforcement is a noble profession and you should be proud each and every day to don the uniform and make a difference.

Thank you,

Chief Aviv Bar

# Whittier Police Department

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### **VALUES STATEMENT**

#### **VALUE STATEMENT**

The City of Whittier Police Department recognizes that our contribution to the quality of life and a safe environment in our community is through the provision of professional law enforcement services. We will meet the challenge of providing these services by basing our thoughts and actions on the following shared values:

#### **SERVICE TO OUR COMMUNITY:**

We value the opportunity to provide service in a manner which is fair, courteous, responsive and efficient. An attitude of respect and the protection of the worth, dignity and rights of all we service is the foundation of our law enforcement organization.

#### **INTEGRITY:**

We value candor, honesty and ethical behavior in the members of our department. We are committed to uphold our positions of trust by maintaining the highest ethical standards as set forth in the Code of Professional Conduct for California peace officers and the Law Enforcement Code of Ethics.

#### **RESPONSIBILITY AND ACCOUNTABILITY:**

We value the need for effective use of our resources and open lines of communication with our citizens, we will be responsible for our actions, willing to admit our mistakes and ensure that our behavior earns the support and trust of all segments of the public.

#### **PROFESSIONALISM:**

We value having a clear sense of commitment, perspective and direction. They are developed by creating an environment that encourages teamwork, innovation and constant evaluation. The professional attitude is dedicated to quality, timeliness and excellence in our service to the community.

#### **PRIDE:**

We believe our work to be a source of enjoyment and satisfaction. We are proud of our accomplishments as an integral part of the community.

#### **QUALITY PEOPLE QUALITY SERVICE**

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

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

### 100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WHITTIER POLICE DEPARTMENT

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

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

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

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

### 100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE WHITTIER POLICE DEPARTMENT

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

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

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

#### 100.2.3 TIME OF MISDEMEANOR ARRESTS

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

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

#### 100.2.4 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Whittier Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

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#### **100.3 POLICY**

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

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

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

Peace officer powers may be extended to other states:

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

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

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

# Chief Executive Officer

## 102.1 PURPOSE AND SCOPE

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

### 102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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



## Oath of Office

### 103.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

#### 103.1.1 ASSOCIATED DOCUMENTATION

In addition, all sworn employees will read and acknowledge, by their signature, the following:

- (a) Oath of office
- (b) Officer code of ethics
- (c) Work environment characteristics
- (d) Vision statement
- (e) Expectation list

### 103.2 POLICY

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

### 103.3 OATH OF OFFICE

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

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

### 103.4 MAINTENANCE OF RECORDS

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

# Policy Manual

## 105.1 PURPOSE AND SCOPE

The manual of the Whittier Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 105.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement 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.

### 105.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Whittier Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Whittier Police Department reserves the right to revise any policy content, in whole or in part.

## 105.3 AUTHORITY

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

## 105.4 DEFINITIONS

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

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

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

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**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Whittier/Santa Fe Springs.

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

**Department/WPD** - The Whittier Police Department.

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

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

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

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

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

**Member** - Any person employed or appointed by the Whittier Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Whittier Police Department.

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

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

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

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

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

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

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

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

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

**USC** - United States Code.

#### **105.4.1 REVISIONS TO POLICY**

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Briefing Boards under the title Recent Policy Manual Revisions. The Office of Professional Standards will forward revisions to the Policy Manual as needed to all personnel via electronic mail. A current copy of the Policy Manual will be posted on the Department Intranet. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

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

#### **105.5 ISSUING THE POLICY MANUAL**

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

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

#### **105.6 PERIODIC REVIEW OF THE POLICY MANUAL**

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

#### **105.7 REVISIONS TO POLICIES**

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

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

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

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

#### **105.8 GENERAL ORDERS PROTOCOL**

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

All existing General Orders have now been incorporated in the updated Manual, revised September, 2006.

General Orders 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.

# Law Enforcement Code of Ethics

## 106.1 PURPOSE AND SCOPE

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

## 106.2 POLICY

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

## 106.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

### 106.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Whittier Police Department. There are four divisions in the Police Department as follows:

- Administration
- Patrol
- Investigations
- Services

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for the Administration Division which includes the Professional Standards Bureau, Recruitment, Public Relations, Training, Facility Maintenance, and Jail Operations.

### 200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that division. The Patrol Division consists of Patrol, Traffic, K-9, Code Enforcement, SRO program, Explorer program and the Whittwood Officer.

### 200.2.3 INVESTIGATIONS DIVISION

The Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigations Division. The Investigation Division consists of criminal investigations, SET Team, CAU, SWAT and I.D. Bureau. The Investigation Division Captain also manages the Santa Fe Springs Policing contract.

### 200.2.4 SERVICES DIVISION

The Services Division is commanded by the Support Services Manager whose primary responsibility is to provide general management direction and control for the Services Division. The Services Division consists of Records, Dispatch, Property and Evidence, Budget and Information Services Management.

## 200.3 COMMAND PROTOCOL



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#### 200.3.1 SUCCESSION OF COMMAND

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

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Patrol Division Commander
- (b) Investigation Division Commander
- (c) Administration Lieutenant
- (d) Watch Commander

#### 200.3.2 UNITY OF COMMAND

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

#### 200.3.3 ORDERS

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

### **200.4 RESPONSIBILITY OF RANK**

- (a) Order of Rank
  - 1. Chief of Police
  - 2. Police Captain
  - 3. Police Lieutenant
  - 4. Police Sergeant
  - 5. Police Corporal
  - 6. FTO
  - 7. Police Officer/Senior Officer
- (b) The Chief of Police - The Chief of Police is the chief administrator and executive officer of the Whittier Police Department. Upon him rests the final responsibility for the complete discharge of all duties imposed on him by law, ordinance and/or resolution.
  - 1. As chief executive officer, the Chief must officially sanction and approve any changes in departmental organization before the changes can be put into effect. The detailed methods of directing and controlling specific functions of the

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department or its divisions or subdivisions, may be developed by subordinate executive officers, but the original direction and final approval and adoption of the guiding principles rests with the Chief of Police. In his capacity as chief executive and administrative head of the department, the Chief of Police maintains administrative control and governs the departmental activity through the Division Commanders, who also act in an advisory capacity in matters of general departmental policies and procedures.

- (c) Commander of Division (including Support Services Manager) - A Commander of a Division is a division head and a major executive of the department and commands the activities of his/her entire division in accordance with the policies prescribed by the Chief of Police. It is his/her duty to aid, advise and cooperate with the Chief of Police in general administrative matters and in determining matters of policy. He/She may prescribe rules and regulations for the conduct of employees under his/her command which do not conflict with the general rules and regulations prescribed by the Chief of Police.
  - 1. Authority of Commanders of Divisions to prescribe rules for their respective commands. The detailed methods of directing and controlling specific functions of a division may be developed by commanding officers, subject to the approval of the Chief of Police. All orders affecting an entire division shall be issued and signed by the commander of said division or the Chief of Police. All orders affecting more than one division shall be issued and signed by the Chief of Police.
- (d) Supervisory Officers/Employees:
  - 1. Supervisors shall closely monitor the activities of subordinates, making corrections where necessary and commanding where appropriate.
  - 2. Supervision shall be accomplished with firmness, deliberation, kindness and impartiality. The superior officer shall take immediate action when:
    - (a) Any subordinate violates any departmental general, divisional or special order.
    - (b) A complaint is lodged against an employee.
    - (c) An employee performs their duty above and beyond the call of duty.
    - (d) Leadership: Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one employee is involved.
    - (e) Direction: Supervisors shall exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside the usual

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sphere of supervision if the objective or integrity of the Department so requires.

- (f) **Enforcement of Rules:** Supervisors shall enforce department rules and ensure compliance with department policies and procedures.
- (g) **Inspection:** Supervisors shall inspect activities, personnel, and equipment under their supervision and initiate suitable action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.
- (h) **Assisting Subordinates:** Supervisors shall have a working knowledge of the duties and responsibilities of subordinates. They shall observe contacts made with the public, outside agencies, and other employees and be available for assistance or instruction. Field supervisors shall respond to calls of serious emergencies, felonies in progress, and others unless actively engaged in a police incident. They should observe the conduct of the assigned personnel and take active charge when necessary.

#### 200.4.1 DUTIES OF SUBORDINATE MEMBERS

All sworn personnel are peace officers and a part of the executive branch of government. As such, they are charged with the duties and responsibility of accomplishing the purpose and goals of the department. These include:

- (a) Protection of life and property.
- (b) Maintenance of law and order.
- (c) Prevention of crime, apprehension of offenders.
- (d) Repression of crime.
- (e) Recovery of stolen property and its restoration to rightful owner.
- (f) Regulation of conduct.
- (g) Regulation of traffic.
- (h) Custody of prisoners.
- (i) General police service to the public.

#### 200.4.2 SENIORITY

- (a) When a question of seniority may arise regarding who shall be in command, such seniority shall be determined:
  - 1. First, by rank.
  - 2. Second by time in rank.
  - 3. Third, by position on the certified eligible list when two or more members have been appointed to that rank on the same day.

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- (b) Where two or more officers are working together on the same assignment or detail and are of equal rank, seniority shall not be exercised except in an emergency necessitating it.

#### 200.4.3 ORGANIZATIONAL CHART (SEE APPENDIX)

The Department organizational chart shows the span of control and delineates the chain of command within the Department. All orders, instructions, reports and normal communications should adhere to the routine channels indicated on this chart except in cases of emergency or routine coordination.

## Police Facility Use and Maintenance

### 201.1 PURPOSE AND SCOPE

The purpose of this order is to establish standards for the maintenance, appearance, and condition of the police facility and its furnishings.

### 201.2 BACKGROUND

The Whittier Police Department is a public agency that represents safety and security to the community. Everything we do reflects upon our image and impacts the public's confidence in our abilities. The police facility and its furnishings are highly visible signs of our place in the community. Maintaining the building, furnishings, and equipment in proper working order and superior condition enhances our image as professionals and reinforces the public's trust and confidence in our ability to maintain order.

### 201.3 POLICY

It is the Policy of the Whittier Police Department to maintain its buildings, furnishings and equipment to the highest standards possible and to ensure that their appearance reflects the skill and professionalism of our employees.

#### 201.3.1 POLICE FACILITY APPEARANCE

- (a) Each member of the Whittier Police Department shall be responsible for the cleanliness, appearance, and overall condition of their designated work area and furnishings.
- (b) Managers and supervisors shall be responsible for ensuring the proper condition of the work areas and furnishings under their command, and for ensuring that facility maintenance standards are followed.
  - 1. The Watch Commander shall be responsible for ensuring the proper condition of the Interview/Detention Rooms and Traffic Bureau on the Second Floor and shall insure that the Roll Call, Report, Locker room, Sleep Center, and Patrol Sergeant's Rooms are kept neat, clean, and orderly.
  - 2. The Administration Lieutenant shall be responsible for insuring the proper condition of the Administration Bureau, Copy and Conference Rooms are kept neat, clean, and orderly.
  - 3. The Investigations Lieutenant shall be responsible for insuring the proper condition of the Investigations Bureau, Interview/Detention, Forensic and Storage Rooms on the Third Floor are kept neat, clean, and orderly.
  - 4. The Records Supervisor shall be responsible for insuring the proper condition of the Records Bureau, Staff Lounge, Probation Office, Copy, Mail and Storage Rooms on the Second Floor are kept neat, clean, and orderly.

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5. The Communication Supervisor shall be responsible for insuring the proper condition of Dispatch, Radio and Telecommunication Rooms are kept neat, clean, and orderly.
  6. The Jail Manager shall be responsible for insuring the proper condition of the Jail area, booking area, storage and temporary cells, including the juvenile holding cells on the second floor are kept neat, clean, and orderly.
- (c) Developing Facility Maintenance and Appearance Standards - The Administrative Lieutenant shall be responsible for developing standards relating to the maintenance and appearance of the police facility, its furnishings, decorations, grounds, and equipment.
1. The Administrative Lieutenant shall serve as an advisor to the Chief of Police and Executive Staff in the development, interpretation, and application of the Facility Maintenance and Appearance Standards.
  2. Members of the Department seeking to add, change, alter, or modify the facility, its furnishings, fixtures, or equipment shall process their requests through the Administrative Lieutenant for consideration and recommendation to the Executive Management Team.

#### 201.3.2 FACILITY MAINTENANCE AND REPAIR

- (a) The Administrative Lieutenant shall be responsible for coordinating the maintenance and repair of the police facility, its furnishings, and equipment.
1. Any damage to the facility, equipment, or furnishings requiring professional assistance (painter, electrician, plumber, etc.) to repair shall be reported, via memorandum or email, through the appropriate chain of command to the Administrative Lieutenant immediately upon its occurrence/discovery.
  2. Any tangible dent, scratch, rip, tear, spill, or other damage to the facility or its furnishings shall be reported, via memorandum, through the appropriate chain of command to the Administrative Lieutenant within 24 hours of its occurrence/discovery.

#### 201.3.3 APPEARANCE STANDARDS

- (a) Workstations and office areas are to be kept neat, clean, and in an orderly condition without clutter or unnecessarily exposed storage of paperwork, files, and/or other materials.
- (b) No items may be affixed to the walls, partitions, doors, or other surfaces of the building without the prior approval of the affected Division Commander, except as described below.
1. Any item affixed to a wall or partition such as photographs, pictures, diplomas, certificates, posters, collectibles, etc., must be enclosed in an appropriate frame,

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- hung with an approved device and subject to the approval of the affected Division Commander.
  - 2. Decals, stickers, flyers, announcements, or any other item applied directly to the furniture, windows, lockers, walls or partitions are not permitted.
  - 3. Seasonal, holiday, or birthday decorations may be displayed during appropriate times. However, no decorations may be affixed to the ceiling, light fixtures, or windows.
  - 4. No items may be placed on top of overhead storage units contained within open workstation areas.
- (c) Disassembling, modifying, or moving workstations and/or furnishings may only be performed by authorized personnel.
- 1. Requests to modify or move furnishings not specifically assigned to a division, must be processed via memo, through the Administrative Lieutenant for appropriate action. All other requests are to be directed to the appropriate Division Commander.
- (d) The moderate consumption of food is permitted at individual workstations, offices and briefing room; however, employees are encouraged to eat their meals in designated areas. The consumption of beverages is permitted throughout the facility provided appropriate care is taken to avoid spillage and ensure the cleanliness of the area.
- 1. Individual employees are responsible for the immediate clean-up of any spills, crumbs, or debris resulting from the consumption of food or beverages.
  - 2. Banquets, meetings, or celebrations involving the serving and consumption of food outside the employee lounge require approval from the respective division commander.
- (e) The manager/supervisor hosting the event shall be responsible for ensuring the cleanliness of the facility at the events conclusion. Artificial plants, flowers, etc. may be displayed at individual workstations, offices, or other areas in moderate quantity after being approved by the affected Division Commander. Fresh flower arrangements may be displayed for no more than three days.
- (f) Live animals are not permitted within the facility without prior approval of the Watch Commander.
- 1. Pets or stray animals such as kittens, puppies, fish, or birds may not be kept nor maintained within the facility.
  - 2. Police Canines may, with prior approval of the Chief of Police, Division Commander or Watch Commander be permitted into the facility on a temporary basis to accomplish a specific purpose.
- (g) Microwave ovens, refrigerators, coffee makers, fans, heaters, bottled water dispensers or other appliances are not permitted in work space areas without the prior approval of the affected Division Commander.

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- (h) Group use or amplified audio equipment may be used within reason within the gym and respective locker rooms as long as the noise level does not interfere with official business of the Department (ex. Briefing).
  - 1. Individual-use stereos, CDs, iPods, radios, or other audio equipment are allowed at workstations provided they do not interfere with those working around them.
- (i) All furnishings, equipment, and/or decorating accessories acquired outside of the normal Department procurement process (i.e. donated, surplus, used, etc.) intended for use within the facility must be approved by the Affected Division Commander or Administrative Lieutenant prior to their acquisition and installation.
- (j) No food, gifts, or other merchandise may be sold, displayed for sale, or advertised for sale within the facility without the prior approval of the affected Division Commander.
  - 1. The posting of simple fliers, cards, notices, etc., in authorized locations is permitted with the prior approval of the affected Division Commander or Watch Commander.
  - 2. Approved items must be dated and initialed by the person authorizing the posting and shall be valid for a period of 60 days, after which they will be discarded.
- (k) Lockers, sleep centers and restroom facilities shall be kept in a neat, clean, and orderly condition.
  - 1. Uniforms, clothing, shoes, equipment, towels, and other personal hygiene items must be kept inside a locker when not in use.
  - 2. Internal and external lockers are to be kept closed and locked whenever the employee is not immediately present.
  - 3. At the discretion of the Watch Commander, any item left unattended may be removed and stored in the claims locker for later retrieval by the owner.
  - 4. After 30 days, all unclaimed items will be discarded.
  - 5. No items shall be affixed to the outside of any locker within the police facility. Photographs, flyers, newspaper articles, subpoenas and similar items may be affixed to the inside of a locker by use of magnet only.
- (l) The sleep center's primary purpose is to provide a temporary rest haven for employees whose work and court schedule do not provide adequate time for them to respond to their residence for a proper sleep period. It is not designed for long-term use by employees.
  - 1. Persons using the sleep center shall be responsible for the neatness, cleanliness, and overall condition of the center.
  - 2. Employees shall notify the watch commander prior to utilizing the sleep center.



## Departmental Directive

### 204.1 PURPOSE AND SCOPE

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

#### 204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first Departmental Directive for the year 2012.

### 204.2 RESPONSIBILITIES

#### 204.2.1 STAFF

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

#### 204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

### 204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge any new Departmental Directive. E-mail receipts showing an employee's acknowledgement of the directive will be considered their acceptance of the directive.

# Training

## 208.1 PURPOSE AND SCOPE

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

## 208.2 PHILOSOPHY

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

## 208.3 OBJECTIVES

The objectives of the Training Program are to:

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

## 208.4 TRAINING PLAN

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

- POST Compliance
- Legislative changes and case law
- State mandated training
- Critical issues training

## 208.5 TRAINING NEEDS ASSESSMENT

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

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### Training

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#### 208.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. First choice vacation
  - 3. Sick leave
  - 4. Physical limitations prevent the employee's participation.
  - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her Division Commander through the chain of command.
  - 3. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date through a written request on the department training request form.
- (c) Whenever possible training requests must be submitted 30 days in advance of the training date and completed on a training request form.
  - 1. Any requests for training falling inside of the 30 day time period may require the attending employee to encumber all costs prior to the training event.
  - 2. Upon completion of the training the employee will then submit for reimbursement, on the city reimbursement request form, all approved expenses encumbered with receipts and maps with mileage estimates.
  - 3. Employees will be responsible for making their own hotel arrangements unless otherwise agreed upon by the training coordinator or Training Division Commander.

#### 208.7 POLICY

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

#### 208.8 TRAINING COORDINATOR

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

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#### 208.8.1 TRAINING RESTRICTION

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

## Electronic/Voice Mail

### 212.1 PURPOSE AND SCOPE

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

### 212.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

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

### 212.4 E-MAIL ACKNOWLEDGMENTS

- (a) All personnel having an assigned Personal Computer and an/or assigned e-mail account shall accept receipt of their e-mail correspondence, at the minimum of once during their work shift.

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- (b) While not all e-mail messages can be immediately responded to depending upon the e-mail message or request, the acknowledgment of e-mail will alert the user of pending needs or information requirements.
- (c) If an e-mail message requires response, the reply should be attended to as soon as reasonably possible.
- (d) E-mail inboxes, outboxes, sent items and deleted item boxes shall be managed by deleting any unnecessary e-mail from the index list.

#### **212.5 VOICEMAIL ACKNOWLEDGMENTS**

- (a) All Department personnel having voicemail shall, at the minimum, check their assigned voicemail once during their work shift.
- (b) While not all voicemail messages can be immediately responded to the acknowledgment of voicemail will alert the user of pending needs or information requirements.
- (c) All business related voicemail requests should be responded to as soon as reasonably possible.
- (d) Dispatchers or Records Bureau personnel receiving calls for field officers shall forward the caller to the field officer's voicemail box. Only in the event of an emergent message, shall dispatchers attempt to contact the field officer via pager, radio or MDC.
- (e) Dispatchers, Records Bureau personnel, or Detective Bureau secretarial staff receiving calls for Detective Bureau staff members shall forward the caller to the Detective's, ID Technician or CAU member's assigned phone where in the absence or unavailability of the Detective Bureau staff member voicemail will be recorded. Only in the event of an emergent message, shall dispatchers attempt to contact the Detective or ID Technician via cell phone, radio or MDC. Detective Bureau personnel having two voicemail boxes shall have the responsibility to check both assigned voicemail accounts.
- (f) Dispatchers, Records Bureau personnel, or secretarial staff receiving calls for police administrative, management, special patrol team members or technical staff shall forward the caller to the administrative, management, special patrol team member or technical staffs assigned phone where in the absence or unavailability of these staff members voicemail will be recorded. Only in the event of an emergent message shall the dispatcher attempt to contact the administrative, management, special patrol team or technical staff via cell phone, radio or MDC.
- (g) If a caller wishes any member of the police Department to be paged by the in-house paging system, the attempt should be made.
- (h) Department issued business cards shall have the phone number to the direct phone line of Department personnel having desk assignments. Field officers business cards

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shall have the phone number of their voicemail box printed on the card. All Department issued business cards shall also have the employee's assigned email address. (New business cards with appropriate phone numbers shall be re-issued to Department personnel upon change of assignment and/or when one's current business card stock concludes.)

## Administrative Communications

### **214.1 PURPOSE AND SCOPE**

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

### **214.2 PERSONNEL ORDER**

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

### **214.3 CORRESPONDENCE**

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

### **214.4 SURVEYS**

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



## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

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

### **216.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least two regular supervisors 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.

# License to Carry a Firearm

## 218.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the cities of Whittier and Santa Fe Springs (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses.

### 218.1.1 APPLICATION OF POLICY

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

## 218.2 POLICY

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

## 218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the City of Whittier/Santa Fe Springs (Penal Code § 26150; Penal Code § 26155).
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Whittier Police Department (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

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### *License to Carry a Firearm*

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#### **218.4 APPLICATION PROCESS**

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

##### **218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
  - 1. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
    - (a) Require the applicant to complete the package before any further processing.
    - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
    - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
  - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
  - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
  - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Department shall give written notice to the applicant of the Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

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#### 218.4.2 PHASE TWO

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

- (a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Department (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165.
- (d) The applicant shall submit any firearm to be considered for a license to the Training Coordinator or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by a department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

#### **218.5 ISSUED FIREARMS PERMITS**

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
  - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(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.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

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1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

#### 218.5.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting the time, place, manner, and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
  1. Consuming any alcoholic beverage while armed.
  2. Falsely representing him/herself as a peace officer.
  3. Unjustified or unreasonable displaying of a firearm.
  4. Committing any crime.
  5. Being under the influence of any medication or drug while armed.
  6. Interfering with any law enforcement officer's duties.
  7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
  8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.
- (d) If contacted by a law enforcement officer for any reason, and the license holder is armed, the license holder shall immediately inform the officer they are a CCW licensee and when the officer requests the license holder's CCW license, the license holder will provide their CCW license as proof they are legally carrying a concealed weapon.
- (e) Should the license holder display or utilize the concealed weapon for which the license has been issued, the license holder shall notify the Whittier Police Department Administration Division in writing. Written notification shall be provided to the Whittier Police Department Administration Division via email at

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[wpdccb@cityofwhittier.org](mailto:wpdccb@cityofwhittier.org) within five days of the original date of the incident and outline the circumstances resulting in the use of the weapon.

- (f) The license holder agrees to notify the Whittier Police Department Administration Division within five days of ANY law enforcement contact or when the licensee becomes the subject of a restraining order. Notifications shall be made by contacting the Police Department Administration Division via email at [wpdccb@cityofwhittier.org](mailto:wpdccb@cityofwhittier.org).

See attachment: [WPD CCW TERMS OF USE.pdf](#)

#### 218.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to change the address or other personal information of the licensee (Penal Codes § 26215 and § 26210).

The Department does not accept amendments to firearms (add or remove). If a licensee wishes to update firearm/s, they must wait until the time of renewal.

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

#### 218.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).
- (f) The licensee has violated any of the restrictions or conditions placed upon the license.

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

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

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#### 218.5.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Training Coordinator for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

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

#### **218.6 DEPARTMENT REPORTING AND RECORDS**

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

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

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

##### 218.6.1 OFFICE OF PROFESSIONAL STANDARDS RESPONSIBILITY

- (a) A file shall be maintained for all formal permit applications received by the Department.
- (b) A file shall be maintained for all permits, including retired officers, and a system established to provide all permit holders notice of the expirations of their permits in a timely manner.

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#### **218.7 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

#### **218.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

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

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

#### **218.9 WRITTEN NOTICE FOR DENIAL OF LICENSE**

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

##### **218.9.1 ADDITIONAL REQUIREMENTS**

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they



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may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

#### **218.10 POLICY AVAILABILITY**

This policy shall be made accessible to the public as provided by Penal Code § 26160.

## Department Security

### 219.1 PURPOSE AND SCOPE

To establish a policy and procedure for the issuance of identification badges to visitors and contract service providers and to define an escort policy.

### 219.2 VISITOR BADGE ISSUANCE PROCEDURE

Front desk personnel shall be responsible for issuing visitor badges and shall maintain the visitor log book.

#### 219.2.1 VISITOR BADGES

A disposable "**Whittier Police Department Visitor**" badge shall be issued to all guests. The visitor badge is a pre-printed self-adhesive badge and is pre-numbered 1-100.

#### 219.2.2 VISITOR LOG

A visitor log shall be maintained for all visitors and guests. The visitor log shall be kept at the front desk and completed by front desk personnel.

Front desk personnel shall obtain ID from visiting personnel and complete the visitor log by entering the date of the visit, the visiting person's name and ID number (CDL), the name of the Department personnel associated with the visitor's meeting, the time of the visit, and the name of the desk personnel completing the log.

#### 219.2.3 BADGE ISSUANCE

- (a) Upon completing the visitor log, desk personnel shall issue a disposable visitor badge to the guest.
- (b) The pre-printed number on the visitor badge is to correspond to the number in the visitor logbook and to the information collected on the visitor.
- (c) Using a date stamp, front desk personnel shall enter the date of the visit on the tag. No further information will be needed on the tag.

### 219.3 CONTRACT SERVICE PROVIDERS

- (a) Contract service providers working in the Police Department are required to obtain a visitor's badge. Identification of the service provider is to be entered into the visitor's logbook
- (b) Routine service providers are required to obtain a vendor's badge along with the collection of their ID to ensure the proper return of the Vendor Pass and to notify the records staff their duties are complete (i.e. Comserco, Standard Tel, Verizon, Inmate Communications, etc.)
- (c) Routine service providers should be readily identifiable by way of company/vendor ID badge or company/vendor uniform.

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### *Department Security*

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#### **219.4 OUTSIDE LAW ENFORCEMENT AGENCY PERSONNEL**

Visiting law enforcement personnel must display a badge or ID card in plain view, in lieu of a visitor's badge. No recordation will be necessary in the visitor's logbook. If for some reason they are unable to display an ID card or badge, a visitor's badge is to be issued.

#### **219.5 ESCORTS**

- (a) Once a visitor's badge has been issued, front desk personnel are to contact the Department employee to whom the visitor or guest is seeking.
- (b) Department personnel receiving the visitor shall personally contact the visitor or guest at the front counter and escort them to their office or meeting place.
- (c) Once the visit has been concluded, Department personnel shall personally escort the visitor back to the front lobby where visitor will be directed to exit the building and the Visitor tag will be collected and discarded.

##### **219.5.1 EXEMPTIONS FROM VISITOR BADGE ISSUANCE**

Those exempt from visitor badges are the following:

- (a) City Council members
- (b) City Hall employees
- (c) Escorted family members of our personnel
- (d) Janitorial personnel
- (e) Routine contract service providers
- (f) Tours escorted by Department employees
- (g) Those filing citizen complaints escorted by the Watch Commander
- (h) Names of confidential informants, when specifically requested by the investigator, shall not be entered in the visitor's log if such entry would compromise the investigation or the safety of the informant. These persons shall be in the continuous company of an officer while within the facility.
- (i) Arrestees, detainees and other persons in the Department's custody when either confined in a secure detention area or in the continuous company of an officer.
- (j) The Watch Commander has the discretion to grant exemptions not included on this list.

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

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

### 220.2 POLICY

It is the policy of the Whittier Police Department to provide identification cards to qualified former or retired officers as required by controlling state and federal law, and as provided in this policy. In the event of a conflict between this policy and state or federal law, the law shall supersede this policy and shall be deemed the controlling policy of this Department pending modification of the policy to comport with then applicable law(s).

### 220.3 LAW ENFORCEMENT OFFICER SAFETY ACT (LEOSA)

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

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

#### 220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Whittier Police Department subjects the former officer to range qualification processes and determines that the former officer has demonstrated the requisite degree of proficiency with the firearm, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

#### 220.3.2 AUTHORIZATION

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

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- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
  - 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

#### **220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE**

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

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

##### **220.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT**

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

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

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#### **220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION**

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

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

#### **220.5 FORMER OFFICER RESPONSIBILITIES**

A former officer with an identification card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order impacting his/her authority to possess or carry a firearm or ammunition, in accordance with the Reporting of Employee Convictions policy.

##### **220.5.1 RESPONSIBILITIES UNDER LEOSA**

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

- (a) Remain subject to all applicable department policies and federal, state and local laws.
- (b) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

##### **220.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT**

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

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

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

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

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

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

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

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

#### **220.8 FIREARM QUALIFICATIONS**

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



## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

### 300.2 POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

### **300.3 USE OF FORCE**

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

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

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

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

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

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

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

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

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

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.

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

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

#### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers

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should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Whittier Police Department for this specific purpose.

#### **300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION**

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

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

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

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

#### **300.3.7 ADDITIONAL RESTRICTIONS**

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

#### **300.4 DEADLY FORCE APPLICATIONS**

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

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and

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

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

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

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

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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

#### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

#### 300.4.2 DISPLAYING OF FIREARMS

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

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

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

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

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

##### **300.5.1 REPORT RESTRICTIONS**

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

##### **300.5.2 NOTIFICATION TO SUPERVISORS**

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

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

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



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

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

#### **300.6 MEDICAL CONSIDERATIONS**

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITY**

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

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

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

#### 300.7.1 WATCH COMMANDER RESPONSIBILITY

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

#### 300.8 USE OF FORCE COMPLAINTS

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

#### 300.9 POLICY REVIEW

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

#### 300.10 POLICY AVAILABILITY

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

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#### **300.11 PUBLIC RECORDS REQUESTS**

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

## Deadly Force Review

### **302.1 PURPOSE AND SCOPE**

This policy establishes a process for the Whittier Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### **302.2 POLICY**

The Whittier Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### **302.3 REMOVAL FROM LINE DUTY ASSIGNMENT**

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

# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

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

## 306.2 POLICY

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

## 306.3 USE OF RESTRAINTS

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

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

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

### 306.3.1 RESTRAINT OF DETAINEES

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

### 306.3.2 TRANSPORTING HOBBOLED 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 or in the jail van when it is reasonably safe for the suspect; They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through passenger front

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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.
- (c) Officers shall inform the jail staff that the arrestee was subjected to being restrained by use of a Hobble upon arrival at the jail.

#### **306.3.3 RESTRAINT OF PREGNANT PERSONS**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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

#### **306.3.4 RESTRAINT OF JUVENILES**

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

#### **306.3.5 NOTIFICATIONS**

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

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

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

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

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

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

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

#### **306.5 APPLICATION OF SPIT HOODS**

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

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

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

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

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

#### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

#### **306.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

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

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **306.8 REQUIRED DOCUMENTATION**

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

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.



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- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

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

### 308.2 POLICY

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

### 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

### 308.4 RESPONSIBILITIES

#### 308.4.1 WATCHCOMMANDER RESPONSIBILITIES

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

#### 308.4.2 RANGEMASTER RESPONSIBILITIES

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

Every control device will be periodically inspected by the Training Coordinator or the designated instructor for a particular control device. The inspection shall be documented.

#### 308.4.3 USER RESPONSIBILITIES

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

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

#### **308.5 BATON GUIDELINES**

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

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

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

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

##### **308.6.1 OC SPRAY**

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

##### **308.6.2 OC VAPOR AEROSOL GRENADE**

The OC Vapor Aerosol Grenade delivers a very high concentration of OC in a powerful mist. It's designed for indoor use. It contains no CFC's and is not a fire hazard. It is most effective when used in confined areas and close to the target area.

In addition to the criteria in 308.6 above regarding use of OC in overcoming violent behavior, circumstances appropriate for deployment of the OC Vapor Aerosol Grenade include, but are not limited to, situations in which:

- (a) The suspect has barricaded himself in a confined space, such as an attic, crawl space or area that would prevent officers from safely apprehending them and would pose a threat to the safety of officers or the public and is refusing to comply with lawful orders.

Officers encountering a situation that warrants the use of the OC Vapor Aerosol Grenade shall notify a supervisor as soon as practicable. Generally a supervisor should respond prior to all OC Vapor Aerosol Grenade deployments. In incidents where the suspect has been exposed to the chemical agent the supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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Each deployment of the OC Vapor Aerosol Grenade shall be documented. Only non-incident use of the OC Vapor Aerosol Grenade such as training and product demonstrations is exempt from the reporting requirement. OC Vapor Aerosol Grenades will be forward deployed with the supervisor's vehicles.

Structures where the OC Vapor Aerosol Grenade has been deployed shall be decontaminated by calling the Fire Department and having them ventilate the areas affected.

#### **308.6.3 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.6.4 TREATMENT FOR OC SPRAY EXPOSURE**

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

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

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

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

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The

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safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

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

#### 308.7.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

#### 308.7.3 SAFETY PROCEDURES

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

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

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

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

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

#### **308.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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

# Conducted Energy Device

## 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

## 309.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

## 309.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Training Coordinator should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

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

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

### 309.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Training Coordinator for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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#### **309.4 VERBAL AND VISUAL WARNINGS**

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

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

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

##### **309.4.1 DEPLOYMENT OF THE X26 ADVANCE TASER (STUN GUN MODE)**

Due to the reduced effectiveness of the Taser when used in the stun gun mode, officers should avoid using this option.

The deployment of the stun gun option will require the same documentation and pictures as the deployment of the Taser.

##### **309.4.2 USE OF TASERS WHILE OFF-DUTY NOT AUTHORIZED**

Department personnel are not authorized to carry or use a Department issued Taser while off-duty.

#### **309.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

##### **309.5.1 APPLICATION OF THE CED**

The CED may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.



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

#### 309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 309.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

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Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

#### **309.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### **309.5.6 DANGEROUS ANIMALS**

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

#### **309.5.7 OFF-DUTY CONSIDERATIONS**

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

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

### **309.6 DOCUMENTATION**

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

#### **309.6.1 CED REPORT FORM**

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.

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- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

#### **309.6.2 REPORTS**

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

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

#### **309.7 MEDICAL TREATMENT**

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

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

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Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

#### **309.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Training Coordinator and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

#### **309.9 TRAINING**

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

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

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

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

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

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Coordinator should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.

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- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

# Officer-Involved Shootings and Deaths

## 310.1 PURPOSE AND SCOPE

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

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

## 310.2 GENERAL

In addition to being complex and demanding, officer-involved shootings and deaths usually attract a great deal of attention from the media and the public. The aim of this policy is to ensure that, because of the fair and impartial manner in which they are investigated, such investigations will stand up to any scrutiny.

## 310.3 INVESTIGATION RESPONSIBILITY

It is the policy of the Whittier Police Department to have the Los Angeles County Sheriff's Department investigate all Whittier Police Department officer-involved shootings and deaths, where someone is struck or it is reasonable to believe someone has been struck by gunfire or dies as a result of possible use of force. The Whittier Police Department will adhere to the Los Angeles County Sheriff Department's policies on officer-involved shooting investigations. In addition, our policy requires that any employee, who becomes aware of an officer-involved shooting or death as a result of possible use of force within the City of Whittier or Santa Fe Springs, or in any jurisdiction if Whittier personnel are involved, shall immediately notify the Watch Commander.

Officer-involved shootings and possible use of force deaths involve several separate investigations. The investigations may include:

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

## 310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting/possible use of force death and the agency employing the involved officer(s). The matrix described in G.O. 310.5 outlines the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

## 310.5 INVESTIGATION RESPONSIBILITY MATRIX

The following table summarizes which involved Department has primary responsibility for conducting the criminal investigation on any officer-involved shooting or possible use of force death. All administrative investigations to determine if the shooting or possible use of force death is

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within Departmental policy, will be conducted by our Department in any shooting involving Whittier personnel, no matter where the shooting or possible use of force death occurs, or the duty status of the officer.

Location of Incident	Officer(s) Involved	Duty Status	Primary Responsibility for Investigation
Whittier or Santa Fe Springs	Whittier	On or Off	LASD
Whittier or Santa Fe Springs	Other L.A. County Agency	On	Other agency (Whittier if other agency declines)
Whittier or Santa Fe Springs	Other L.A. County Agency	Off	Whittier PD (May be released by the Chief or his designee)
Whittier or Santa Fe Springs	Outside L.A. County Agency	On or Off	Whittier PD
L.A. County	Whittier	On	LASD
L.A. County	Whittier	Off	Agency of jurisdiction
Outside L.A. County	Whittier	On or Off	Agency of jurisdiction

#### 310.5.1 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

#### 310.6 THE INVESTIGATION PROCESS

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

##### 310.6.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter(s) or non-involved officer(s) in a possible use of force death.
  1. In the event that there are no non-shooter(s) or non-involved officer(s) in a possible use of force death, the supervisor should attempt to obtain a brief voluntary overview from one shooter or directly involved officer in the possible use of force death.

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- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect(s) or weapon(s) information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Other than to obtain the public safety information listed above, NO ONE should interview our involved personnel prior to LASD Homicide. In cases where an officer-involved shooting or death occurs in our jurisdiction and another agencies' personnel are involved, NO ONE should interview the involved personnel prior to Whittier PD investigators.
- (e) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by members of the Los Angeles County Sheriff's Department Homicide Bureau or our detectives. Access to the crime scene should be limited to those persons whose duties make it essential for them to be there, all others should remain out.
- (g) As soon as practical, the shooter or directly involved officers in a possible use of force death should respond or be transported to the station or other location designated by the Watch Commander for further direction. Shooter or directly involved officer(s) in a possible use of force death should be transported separately unless resources dictate otherwise.
  - 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor. A person of equal or higher rank should be assigned to remain with the involved officer(s) until interviewed by LASD Homicide (hit) or Whittier PD detectives (non-hit or other agency officer-involved shooting).
  - 2. When an officer's weapon or other equipment (taser, baton, etc) is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon/equipment or transported to the station by other officers.
- (h) Assign an officer to the task of maintaining a log listing all persons who enter the scene, the reason for their entry, and their time of arrival and departure.
- (i) Personnel should be assigned to locate and identify potential witnesses. Persons claiming to know nothing should also be documented. All witness should be brought to the station voluntarily. If they decline, identify them and notify Sheriff Homicide investigators or Whittier PD detectives (non-hit or other agency officer-involved shooting or death). Family members who may have witnessed the shooting or the



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possible use of force death should be briefly interviewed (on tape) to determine the extent of their knowledge of the incident. This information will be furnished to Sheriff Homicide investigators or Whittier PD investigators (non-hit or other agency officer-involved shooting or possible use of force death) who will determine the need for further interviews.

- (j) Witnesses transported to the station should be chaperoned by an officer. There should be no discussion about the incident. The witnesses should be made as comfortable as possible supplying them with drinks and food, if appropriate.

#### 310.6.2 WATCH COMMANDER (HIT)

The Watch Commander is responsible for making the following notifications:

- Los Angeles County Sheriff's Homicide Bureau (323) 890-5500
- District Attorney Command Post (213) 974-3607
- DOJ (LA Clear) (800) 522-5327 (unarmed civilian)
- Chief of Police
- Division Captains
- Administration Lieutenant or in his absence the Professional Standards Sergeant
- Director of Police Services (if the officer-involved shooting takes place in Santa Fe Springs)
- Peer Support Coordinator

In the event any Whittier personnel are injured in the incident, it is the Watch Commander's responsibility to have the family notified and arrange for their transportation to the hospital as soon as possible.

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

#### 310.6.3 WATCH COMMANDER RESPONSIBILITIES (NON-HIT)

The Watch Commander is responsible for making the following notifications:

- Whittier Police Detective Bureau Lieutenant
- Chief of Police
- Division Captains
- Administration Lieutenant or in his absence the Professional Standards Sergeant
- Director of Police Services (if the officer-involved shooting takes place Santa Fe Springs)
- District Attorney OIS roll-out team.
- Peer Support Lieutenant or Sergeant

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In the event any Whittier personnel are injured in the incident, it is the Watch Commander's responsibility to have the family notified and arrange for their transportation to the hospital as soon as possible.

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

#### **310.7 THE SHOOTING OR POSSIBLE USE OF FORCE DEATH INCIDENT CRIMINAL RESPONSE (HIT)**

The Los Angeles County Sheriff's Department Homicide Bureau shall be notified for the investigation. The Whittier Police Department will adhere to the policies of the Los Angeles County Sheriff's Department on officer-involved shooting or possible use of force death investigations.

If requested, detective personnel from this department may be assigned to "partner" with investigators from the Los Angeles County Sheriff's Department to provide assistance on any related criminal investigations.

##### **310.7.1 SHOOTING INCIDENT CRIMINAL INVESTIGATION (NON-HIT)**

##### **310.7.2 DETECTIVE PERSONNEL**

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

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

It shall be the policy of this department to utilize the District Attorney's Office (per the D.A.R.T. Protocol Agreement) to conduct an independent criminal investigation into the circumstances of any officer-involved shooting. Their investigation will be conducted pursuant to their protocol as outlined in the District Attorney's Officer-Involved Shooting Response Program.

If available, detective personnel from this department may be assigned to "partner" with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations. Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) Supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

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- (b) If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

#### **310.7.3 REPORTS BY INVOLVED OFFICERS**

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

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

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

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

#### **310.8 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

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#### **310.9 MEDIA RELATIONS**

The Los Angeles County Sheriff's Department will handle all press releases in cases where they are the lead criminal investigative agency. The Whittier Police Department Press Information Officer will work cooperatively with the Los Angeles County Sheriff's Department media relations personnel as necessary.

In cases where the Whittier Police Department is the lead agency, a single press release shall be prepared by designated personnel with input and concurrence from the supervisor responsible for each phase of the investigation. This release should be made available to the Watch Commander, Investigation Division Commander and Press Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Division Commander per General Order 346.

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

#### **310.10 INVOLVED OFFICERS**

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

- (a) Any request for legal representation will be accommodated.
- (b) While discussions with licensed attorneys will be considered privileged as attorney client communications, no involved officers shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report (ALADS v. County of Los Angeles (2008)).
- (c) Discussions with departmental (e.g., association) representatives will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A Certified CISM Mental Health Practitioner shall be provided by the Department to each involved officer, or any officer upon request:
  - 1. Interviews with a Certified CISM Mental Health Practitioner as described in the Peer Support Policy in this manual will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

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

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

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

#### **310.11 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or possible use of force death, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting or possible use of force death may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g)).
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)).
  - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) Government Code § 3303(g))
  - 4. The officer shall be informed of all constitutional "Miranda" rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (*Lybarger v. City of Los Angeles* (1985) or *Garrity v. New Jersey* (1967)).

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5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **310.12 LEGAL COUNSEL**

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-client confidential communication - attorney work product and may not be used for any other purpose. The legal investigation 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 provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 312.2 POLICY

The Whittier Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow. Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

#### 312.3.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer P226R.

#### 312.3.2 SHOTGUNS

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

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

#### 312.3.3 AUTHORIZED BACKUP WEAPON

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

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- (a) The handgun shall be in good working order and on the department list of approved firearms (see below).
- (b) Only one backup handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the ammunition is already provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Training Coordinator prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying a backup handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of backup handgun to the Training Coordinator, who will maintain a list of the information.

Ruger	LCP/LCP Custom	.380
	LC9	9mm
	LC	.380
	LCR	.38
S&W	M&P Bodyguard	.380, .38
	442/642	.38
	Shield	9mm
	640	.38 SPL
Glock	42/43/27/26	.380/9mm/.40
KAHR	PM9/MK9	9mm
	P380	.380
Sig	290 Series	.380/9mm
	P365/XL	9mm
Springfield	XDS Series	9mm/.40/.45
	Hellcat	9mm



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#### 312.3.4 PATROL RIFLES

- (a) The authorized department-issued patrol rifle is the Colt AR-15 with the following guidelines:
  - (a) The weapon is to be inspected prior to going in service.
  - (b) Only the rifle provided by the Department may be used.
  - (c) The weapon shall be carried in the patrol unit with two 30 round magazines, loaded with only 28 rounds each, in the electric rack located overhead or between the seats of the patrol unit.
  - (d) The bolt shall be forward with an empty chamber.
  - (e) The weapon shall be on "safe."
  - (f) When a Colt AR15 is found with the safety off, the weapon shall be considered loaded. When found in either of these conditions, the officer shall:
    - (a) Attempt to place the selector switch on safe, finger off the trigger.
    - (b) Remove the magazine
    - (c) Point muzzle down and pull the charging handle and lock the bolt to the rear, if necessary.
    - (d) Visually and physically inspect the chamber to insure that the chamber is empty.
    - (e) Without a magazine in the weapon return the bolt to its forward position, place the weapon on safe, close the dust cover, and insert the magazine.
- (b) Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:
  - (a) Situations where the member reasonably anticipates an armed encounter.
  - (b) When a member is faced with a situation that may require accurate and effective fire at long range.
  - (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
  - (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
  - (e) When a member reasonably believes that a suspect may be wearing body armor.
  - (f) When authorized or requested by a supervisor.
  - (g) When it is needed to euthanize an animal.
- (c) When not deployed, the patrol rifle shall be properly secured, consistent with department training, in a locking weapons rack in the patrol vehicle with the chamber empty, the magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer, and the selector lever

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in the fire position (the selector lever cannot be in the safe position with the hammer released).

#### 312.3.5 PERSONALLY OWNED DUTY FIREARMS

- A. Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police. Once approved, personally owned duty firearms are subject to the following restrictions:
1. The firearm shall be in good working order and on the department list of approved firearms (see below).
  2. The firearm shall be inspected and approved by the [Rangemaster] prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
  3. Prior to carrying the firearm, members shall qualify under range supervision by receiving a qualified score through a live fire course. Thereafter, members shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling and ensure the firearm functions properly.
  4. Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the [Rangemaster], who will maintain a list of the information.
  5. Members who are approved to carry the below mentioned Personally Owned Duty Weapons, must also qualify once a year with the Sig 226, which is the authorized department issued weapon, to show minimum proficiency. This is in the event the approved Personally Owned Duty Weapon is found to be faulty, malfunctions, or is taken during the scope of an Officer-involved shooting investigation, and an immediate replacement is required. A separate qualification course for fire has been designed for the Sig P226 by the Rangemaster.
  6. **In instances where an officer has qualified with two or more personally owned duty firearms, only the weapon most recently qualified shall be carried on duty. Officers shall not interchange weapons during the course of the year. Repetition and familiarity are paramount for proficiency and accuracy. Therefore, though a member may have been approved to carry more than one weapon on the below list, switching between personally owned duty weapons after the qualification or transition course during the course of a year is prohibited.** If your personally owned duty weapon is taken out of service due to malfunctions, repairs, or other reasons, the officer will revert back to the department-owned Sig P226 until the personally owned duty weapon is inspected and approved by the Rangemaster for reintroduction into service.
- B. Members who choose to carry a duty weapon that utilizes a "single stack" magazine will be required to carry four magazines on their duty belt. Below is a list of approved weapons:

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Glock	17/22/23/19/30/34/35/21/41	9mm/.40/.45
Beretta	92/M9 Series/96 Series	9mm/.40
HK	USP	9mm/.40/.45
HK	VP9/VP40	9mm/.40
Sig Arms	P226/P220/P227/P320 Series	9mm/.40/.45
Springfield	XD Series, Echelon	9mm/.40/.45
Smith & Wesson	M&P Series	9mm/.40/.45
Sig Arms	1911 Nitron/Nitron Rail Tactical Operations	.45
STI	Staccato P and XC-Series (4-4.5 lbs trigger pulls)	9mm
Springfield Armory	Loaded, Operator, TRP (full size)	.45
Colt	Full size "Government" Configurations	.45

#### 312.3.6 OTHER APPROVED WEAPONS (SPECIAL ASSIGNMENTS)

- A. The Chief of Police may allow officers in specialized positions to carry a different primary weapon. The request, approval or denial shall be in writing. If approved, all requirements within this policy shall apply. The Department issued duty weapon shall be returned to the Rangemaster when not used as the primary sidearm.
- B. The Chief of Police may authorize members of the Entry Team to carry specialized weapons during patrol duty. The authorization shall be in writing and proficiency shall be maintained as required by the tactical operations manual.

#### 312.3.7 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Training Coordinator for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Training Coordinator.

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- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Training Coordinator that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Training Coordinator, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Whittier Police Department identification cards under circumstances requiring possession of such identification.

#### 312.3.8 AMMUNITION

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

Members carrying personally owned authorized primary firearms and backups shall be responsible for obtaining authorized duty ammunition from the training coordinator for use on duty. Only the ammunition approved by the rangemaster is authorized for use on duty, personal ammunition is not allowed.

#### 312.4 EQUIPMENT

##### (a) Duty Holsters

1. All officers assigned to uniform patrol duties shall use the Level II holster that was issued by the Department, or an identical holster in either tactical finish, nylon finish, or with a light/laser unit. The Department issued holster is a standard belt-mounted hip holster with an optional 2" drop. Also approved is a swivel style holster with an optional 4" drop. Any variation from the standard holsters listed above shall be approved by Executive Staff as well as the Range Master.
2. If you wish to carry any other holster on duty, you will have to meet the following conditions prior to using such holster:
  - (a) The holster must have a manufacturer retention rating of Level II or higher, and
  - (b) The holster must be approved for duty use by rangemaster
  - (c) This also applies to any holster that may have been approved in the past.

##### (b) Laser Sights

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- (a) Laser sights may only be installed on a weapon carried on or off duty after they have been examined and approved by the Rangemaster.
  - (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
  - (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.
- (b) 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.
- (c) **Red Dot Sights (RDS)**
  - (a) Allowed Handgun Configurations
    - (a) Optic Ready handguns must be on the approved weapons list prior to use.
    - (b) Direct mill to officer's handguns must be approved by department rangemaster before installation.
    - (c) Dovetail mounting platforms are authorized. (Dueck Defense RBU, Raven Balor, etc)
    - (d) All RDS systems will be at the officer's expense, including maintenance and batteries.
    - (e) Should the RDS system malfunction or become inoperable, the officer will be responsible for its repair/replacement.
  - (b) Optic Selection
    - (a) Shall be duty grade and able to withstand drops and manipulations of the slide with no impact on the optic and approved by the rangemaster.
    - (b) Any change in sighting systems must be properly sighted after installation and prior to carrying pass a standard qualifying shoot.
    - (c) RDS sights will be authorized for primary and secondary handguns.
  - (c) Secondary Sighting Systems
    - (a) With the recognition that optics are an electronic piece of equipment, co-witnessed iron sights are required.
    - (b) This sight must be of sufficient height to see through the dot sight system.
  - (d) Holster requirements
    - (a) As with all duty holsters, it must meet department retention standards by a reputable manufacturer.
    - (b) The cost of the RDS holster will be the officer's responsibility.
  - (e) Training requirements

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- (a) Each officer desiring to utilize the RDS system must attend a minimum of 8 hours of POST approved training prior to use.
- (b) Costs for the POST class will be the responsibility of the individual.
- (c) The POST certification document will accompany the rangemaster's Department RDS Authorization form and be placed in their personnel file.

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

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Training Coordinator. Members shall not dry fire or practice quick draws except as instructed by the Training Coordinator or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Training Coordinator approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Training Coordinator will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

##### **312.5.1 INSPECTION AND STORAGE**

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

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

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

The Rangemaster(s) or Armorer shall be the only person authorized to repair or modify any Department-owned weapon. All repairs and/or modifications of Department issued weapons not performed by the Rangemaster or Armorer must be approved in advance by the Rangemaster or Armorer and accomplished by a Department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster(s) or Department Armorer.

#### **312.5.3 STORAGE AT HOME**

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

#### **312.5.4 ALCOHOL AND DRUGS**

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

#### **312.5.5 STORAGE IN VEHICLES**

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

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

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

### **312.6 FIREARMS TRAINING AND QUALIFICATIONS**

With the exception of the Chief of Police and Executive Staff, who shall qualify bi-annually, all sworn personnel are required to attend all department range qualifications. All sworn members will qualify with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training

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Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn members with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

#### 312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### 312.7 FIREARM DISCHARGE

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

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

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



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#### **312.7.1 DESTRUCTION OF ANIMALS**

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

#### **312.7.2 INJURED ANIMALS**

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

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

#### **312.7.3 WARNING AND OTHER SHOTS**

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

### **312.8 TRAINING COORDINATOR DUTIES**

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

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

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

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

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

#### **312.9 FLYING WHILE ARMED**

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

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

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- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.10 CARRYING FIREARMS OUT OF STATE**

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

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

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

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

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

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

#### 314.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

#### 314.1.2 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 forward

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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**

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

##### **314.2.1 WHEN TO INITIATE A PURSUIT**

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

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

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

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#### 314.2.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

#### 314.2.3 SPEED LIMITS

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

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

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

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#### **314.3 PURSUIT UNITS**

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

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

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

##### **314.3.1 MOTORCYCLE OFFICERS**

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

##### **314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

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

##### **314.3.3 PRIMARY UNIT RESPONSIBILITIES**

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

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

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

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility

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of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

#### 314.3.4 SECONDARY UNIT RESPONSIBILITIES

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

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

#### 314.3.5 PURSUIT DRIVING

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

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



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#### 314.3.6 PURSUIT TRAILING

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

#### 314.3.7 AIR SUPPORT ASSISTANCE

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

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

#### 314.3.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

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- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Whittier Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
  - 1. Supervisors should initiate follow up or additional review when appropriate.

#### **314.4.1 WATCH COMMANDER RESPONSIBILITIES**

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

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

#### **314.5 DISPATCH**

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

##### **314.5.1 DISPATCH RESPONSIBILITIES**

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

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

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#### **314.5.2 LOSS OF PURSUED VEHICLE**

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

#### **314.6 INTER-JURISDICTIONAL CONSIDERATIONS**

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

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

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

##### **314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

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

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

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

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

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

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

#### **314.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED**

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

##### **314.7.1 USE OF FIREARMS**

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

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

##### **314.7.2 INTERVENTION STANDARDS**

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

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

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

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1. Roadblocks should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

#### **314.7.3 CAPTURE OF SUSPECTS**

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

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

#### **314.8 REPORTING REQUIREMENTS**

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
  1. Date and time of pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved units and officers.

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

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

#### **314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

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

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

#### **314.8.2 POLICY REVIEW**

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

#### **314.9 APPLICATION OF VEHICLE PURSUIT POLICY**

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

#### **314.10 POLICY**

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

# Officer Response to Calls

## 316.1 PURPOSE AND SCOPE

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

## 316.2 RESPONSE TO CALLS

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

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

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

Officers dispatched "Code-3" shall activate their BWC. For further see WPD Policy 425.

## 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 Dispatch.

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

### 316.3.1 NUMBER OF UNITS ASSIGNED

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

## 316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Watch



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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 OFFICERS**

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

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

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

#### **316.6 COMMUNICATIONS RESPONSIBILITIES**

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

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

#### **316.7 SUPERVISORY RESPONSIBILITIES**

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

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

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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

#### **316.8 FAILURE OF EMERGENCY EQUIPMENT**

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

## Canines

### 318.1 PURPOSE AND SCOPE

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

### 318.2 POLICY

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

### 318.3 ASSIGNMENT

The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Bureau.

### 318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

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

### 318.5 REQUESTS FOR CANINE TEAMS

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

#### 318.5.1 OUTSIDE AGENCY REQUEST

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

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- (a) (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Whittier unless authorized by the Watch Commander or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### 318.5.2 PUBLIC DEMONSTRATION

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

#### 318.6 APPREHENSION GUIDELINES

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

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

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

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

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

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#### 318.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

#### 318.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

#### 318.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

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

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

In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs shall be downloaded into the DIMS system and preserved in the DIMS database. A disk containing copies of the pictures taken in the incident along with an administrative report completed by the on-duty supervisor shall be forwarded to the Office of Professional Standards via the chain of command. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.

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

The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

#### **318.7 NON-APPREHENSION GUIDELINES**

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

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

##### **318.7.1 ARTICLE DETECTION**

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

##### **318.7.2 NARCOTICS DETECTION**

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

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- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

#### **318.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) A Whittier Police Department Officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) A garage that can be secured and accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Whittier/Santa Fe Springs City limits.
- (e) Agreeing to be assigned to the position for a maximum of 5 years with the understanding that the position may be extended or reduced depending on the service life of the canine.

#### **318.9 HANDLER RESPONSIBILITIES**

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Whittier Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured

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with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

#### 318.9.1 CANINE IN PUBLIC AREAS

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

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

#### 318.10 CANINE INJURY AND MEDICAL CARE

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

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

#### 318.11 DISPOSITION OF POLICE CANINES

Whenever a dog handler is transferred or otherwise leaves the canine unit, the dog assigned to him/her will remain the property of the Whittier Police Department, unless it is unfit for duty. The decision of the serviceability of the dog is that of the Chief of Police, with recommendations from the Uniform Division Commander.

Dogs considered no longer serviceable or of any use to the Department for whatever reason, except contagious illness viciousness or some similar condition, will be offered to the last handler (first), or a former handler for a purchase price of \$1.00 at the discretion of the Chief of Police. Any handler purchasing a dog will be required to sign a legal liability waiver releasing the City of Whittier from all liability or responsibility for any action concerning or taken by the dog.



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Any dog deemed no longer serviceable, and when no handler wishes to purchase the dog, shall be withdrawn from service in such a manner deemed advisable by the Uniform Division Commander and the Chief of Police. In this regard, the safety of the community and the officers shall be the primary consideration

#### **318.12 TRAINING**

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

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

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

##### **318.12.1 TRAINING RECORDS**

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

##### **318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

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

##### **318.12.3 TRAINING RECORDS**

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

##### **318.12.4 TRAINING AIDS**

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

##### **318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS**

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

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

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

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

#### 318.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

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

#### 318.12.7 EXPLOSIVE TRAINING AIDS

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

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous

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training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

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

# Therapy Dog

## 319.1 PURPOSE AND SCOPE

The purpose of the Therapy Dog team is to further promote the Whittier Police Department's commitment and dedication to the overall health and wellness of its employees. Dogs have been used extensively to support and improve mental health. They provide emotional and sensory support to adults and children, help people feel comfortable, and decrease symptoms of anxiety. Therapy Dogs have been used at various schools, courts, and public safety agencies. Past and present Therapy Dog programs have improved the overall climate and well-being of citizens and staff alike.

The Therapy Dog will be utilized to:

- (a) help reduce symptoms of stress, anxiety, and depression
- (b) lessen the trauma of critical incidents for all employees
- (c) improve overall staff morale
- (d) help process grief and loss
- (e) conduct presentations for public relations and educational purposes
- (f) assume other official duties as directed

## 319.2 POLICY

This policy establishes guidelines for the management and use of the Therapy Dog and the Therapy Dog Handler. If at any time the Therapy Dog exhibits behavior that alerts the Therapy Dog Handler that the Therapy Dog or person(s) interacting with the Therapy Dog are uncomfortable, the Therapy Dog will be removed from the area immediately.

## 319.3 THERAPY DOG COORDINATOR/HANDLER

The Therapy Dog handler shall be appointed by the Chief of Police or his/her authorized designee and will report through the Peer Support Team chain of command. A Therapy Dog will be assigned to an employee or approved volunteer within our agency and will be the entrusted property of the Therapy Dog Handler selected. The Therapy Dog Handler is responsible for applying with a Therapy Dog registration/certification organization recognized by the American Kennel Club (AKC). Upon successfully completing the training and certification, the Therapy Dog Handler will notify the Peer Support Lieutenant.

## 319.4 THERAPY DOG REQUESTS

City employees are encouraged to request the use of the Therapy Dog. All requests for the team will be directed to the Therapy Dog Handler or a Peer Support Team Coordinator. All requests will be reviewed by the Therapy Dog Handler and the Peer Support Coordinator prior to making any resource commitment. The Therapy Dog Handler or the Peer Support Coordinator shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

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After-hours requests will be submitted to the on-duty Watch Commander. If the Watch Commander determines the request is warranted, he will contact the Peer Support Lieutenant with the request. The final determination of the use will be at the discretion of the Therapy Dog Handler.

Outside agency requests will generally be governed under mutual aid. The Therapy Dog handler will be contacted to ensure the request is within the scope and abilities of the Therapy Dog. The final determination of the use of the unit will be at the discretion of the Therapy Dog Handler with the approval of the Peer Support Lieutenant.

#### **319.5 THERAPY DOG UNIT APPEARANCES**

The Therapy Dog Unit may participate in other functions outside of the scope of the City and Department. The Therapy Dog Handler will determine whether the appearances will be on behalf of the Department or on his/her own accord. Appearances on behalf of the Department will require the approval of the Peer Support Program Coordinator. Uniforms will not be authorized for appearances not affiliated with the City or Department, and department approval to attend will not be required.

#### **319.6 ALLERGENS**

Potential allergic reactions to the Therapy Dog may be a concern for some. The allergen is not the pet hair itself, but the dander dust and pollen carried on the pet hair. The Therapy Dog Handler should always ask permission to enter newly visited buildings and areas. People with allergies can normally avoid direct contact with the Therapy Dog to avoid any potential pet dander. If the Therapy Dog Handler is made aware of adverse allergic action to the presence of the Therapy Dog, the Therapy Dog Handler will take steps to mitigate those reactions or remove the Therapy Dog from the area of the affected person(s).

#### **319.7 REPORTING INJURIES**

Any injuries caused or alleged by the Therapy Dog will be reported to the Peer Support Lieutenant as soon as practical. The injured person shall be promptly treated by medical service personnel and, if appropriate, transported to a medical facility for treatment. Injuries shall be documented in accordance with normal department reporting procedures.

#### **319.8 THERAPY DOG QUALIFICATION**

Therapy Dogs will only consist of canines certified by a Therapy Dog registration/certification organization recognized by the AKC. The Therapy Dog Handler will be responsible for vaccinations and maintaining the health and welfare of the Therapy Dog. The Therapy Dog Handler shall ensure the Therapy Dog receives proper licensing, training, nutrition, grooming, medical care, affection, and living conditions.

Requirements and Responsibilities:

- (a) The Therapy Dog will not be trained or utilized in any other K9-related duties such as apprehension, detection, or agility.
- (b) The Therapy Dog will not be exposed to any foreseeable and unreasonable risk of harm.

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- (c) The Therapy Dog will be provided proper lodging, which includes times when the Therapy Dog Handler is unavailable.
- (d) The Therapy Dog will not be left unattended in any area where the public may have access.
- (e) When the Therapy Dog is left alone, it will lie secured in such a manner as to prevent unauthorized access to the Therapy Dog.
- (f) The Therapy Dog will lie equipped with a vest for official duties.
- (g) The Therapy Dog should not be distracted when working.
- (h) The Therapy Dog Handler will educate employees and members of the public when they may or may not interact with the Therapy Dog.
- (i) The Therapy Dog will not be fed any food or treats without the direct approval of the Therapy dog handler.
- (j) The Therapy Dog may be transported in any City of Whittier vehicle or the Therapy Dog Handler's personal vehicle.

#### **319.9 DOG INJURY**

In the event a dog suffers an injury or death or must be euthanized due to injury, as a result of traveling to or from, or while being housed at, working, or training at a department-approved function, the handler will be reimbursed for all reasonable veterinary expenses and/ or provided with a set sum for the purchase of a replacement dog.

#### **319.10 EQUIPMENT**

The department will compensate for certain items needed for the maintenance and use of the dog while participating in department-sanctioned activities. The items will be approved by the Peer Support Lieutenant and can include, but are not limited to, a crate, leads, dog-bought toys, treats, and other items as deemed appropriate.

#### **319.11 THERAPY DOG SUPERVISION**

The Therapy Dog program will be facilitated by the Therapy Dog Handler and managed by the Peer Support Program Coordinator. The Peer Support Program Coordinator will be responsible for ensuring proper records and certifications are maintained by the Therapy Dog handler.

#### **319.12 SOCIAL MEDIA**

Any social media account created for the Therapy Dog to promote or educate the general public must adhere to the Whittier Police Department's policy regarding social media accounts.

#### **319.13 TRAINING**

The Therapy Dog Team will be certified by a Therapy Dog registration/certification organization recognized by the AKC prior to any deployment. The Therapy Dog Handler will be responsible for scheduling and conducting periodic training to familiarize the unit with how to conduct itself during deployments. Required updates and certification will be facilitated by the Therapy Dog Handler. It will be the responsibility of the Therapy Dog Handler to attend and maintain records of completion.

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The Therapy Dog Handler will attend a certified Basic Peer Support course and Critical Incident Stress Debriefing course.

All such records shall be maintained by the Training Coordinator and Peer Support Lieutenant.

# Domestic Violence

## 320.1 PURPOSE AND SCOPE

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

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 320.2 POLICY

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

## 320.3 OFFICER SAFETY

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

## 320.4 INVESTIGATIONS

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

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



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

#### **320.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

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

#### **320.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

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

#### **320.4.3 ARRESTING OFFICERS' RESPONSIBILITIES REGARDING FIREARMS**

If a suspect is arrested, officers shall (Penal Code § 273.76):

- (a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
  - 1. The investigating or filing officer shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
- (b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
- (c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.
- (d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

#### **320.5 VICTIM ASSISTANCE**

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

- (a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

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- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

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

#### **320.6 DISPATCH ASSISTANCE**

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

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

#### **320.7 FOREIGN COURT ORDERS**

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

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

#### **320.8 VERIFICATION OF COURT ORDERS**

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

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
  - 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order

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before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

- (b) Check available records or databases that may show the status or conditions of the order.
  - 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

### **320.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

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

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- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
  - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
  - 2. The threats creating fear of physical injury.
  - 3. The history of domestic violence between the persons involved.
  - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

#### **320.10 REPORTS AND RECORDS**

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

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

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

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#### **320.12 SERVICE OF COURT ORDERS**

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
  - 1. An officer should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

#### **320.13 PUBLIC ACCESS TO POLICY**

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

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

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

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#### **320.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM**

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

## Search and Seizure

### 322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Whittier Police Department personnel to consider when dealing with search and seizure issues.

### 322.2 POLICY

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

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 322.3 SEARCHES

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

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

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

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

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

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



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### *Search and Seizure*

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#### **322.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  - 1. Another officer or a supervisor should witness the search.
  - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

## Senior and Disability Victimization

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Whittier Police Department members as required by law (Penal Code § 368.6).

The Whittier Police Department recognizes the wide prevalence of elder and dependent adult abuse and crimes against adults and children with disabilities, including disabilities caused by advanced age.

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

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

- (a) Elder and dependent adult abuse

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### *Senior and Disability Victimization*

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- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability
- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

#### **326.2 POLICY**

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

##### **326.2.1 ARREST POLICY**

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

##### **326.2.2 ADHERENCE TO POLICY**

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

#### **326.3 INVESTIGATIONS AND REPORTING**

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

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- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
  - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
  - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
  - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
  - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

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

#### **326.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS**

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

#### **326.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

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### *Senior and Disability Victimization*

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1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
  2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

#### **326.5 MANDATORY NOTIFICATION**

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

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

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

- (a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
  3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

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

The Detective Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

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

#### 326.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

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- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

#### **326.6 PROTECTIVE CUSTODY**

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

##### **326.6.1 EMERGENCY PROTECTIVE ORDERS**

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

##### **326.6.2 VERIFICATION OF PROTECTIVE ORDER**

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.



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- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

### **326.7 INTERVIEWS**

#### **326.7.1 PRELIMINARY INTERVIEWS**

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

#### **326.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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

#### **326.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS**

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

### **326.8 MEDICAL EXAMINATIONS**

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

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide

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for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **326.9 DRUG-ENDANGERED VICTIMS**

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

##### **326.9.1 OFFICER RESPONSIBILITIES**

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

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

##### **326.9.2 SUPERVISOR RESPONSIBILITIES**

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

#### **326.10 RECORDS BUREAU RESPONSIBILITIES**

The Records Bureau is responsible for:

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

#### **326.11 JURISDICTION**

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

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

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

#### **326.12 RELEVANT STATUTES**

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

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

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

##### **Penal Code § 368 (c)**

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

##### **Penal Code § 368 (f)**

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

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

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

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

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

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

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

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

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

- (a) "Isolation" means any of the following:
  - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

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2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
  3. False imprisonment, as defined in Section 236 of the Penal Code.
  4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

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

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

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

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
  - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
  - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
  - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
  - 4. Incest, as defined in Section 285 of the Penal Code.
  - 5. Sodomy, as defined in Section 286 of the Penal Code.
  - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
  - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
  - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
  - 1. For punishment.
  - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
  - 3. For any purpose not authorized by the physician and surgeon.

#### **326.13 ELDER AND DEPENDENT ADULT ABUSE LIAISON**

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

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- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

#### **326.14 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
  - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
  - 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
    - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
    - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
  - 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

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- (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
- (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
- (f) Ensuring that all members carry out their responsibilities under this policy.
- (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
- (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.



# Discriminatory Harassment

## 328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 328.2 POLICY

The Whittier Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## 328.3 DEFINITIONS

Definitions related to this policy include:

### 328.3.1 DISCRIMINATION

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

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

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

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#### 328.3.2 SEXUAL HARASSMENT

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

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

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

#### 328.3.3 ADDITIONAL CONSIDERATIONS

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

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

#### 328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 328.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Director, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **328.4.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### **328.4.2 SUPERVISOR'S ROLE**

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

#### **328.4.3 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Personnel Director, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

#### **328.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **328.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Director, or the City Manager.

#### **328.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **328.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager, or the Personnel Director, depending on the ranks of the involved parties.

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- (b) Maintained in accordance with the department's established records retention schedule.

#### 328.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

#### 328.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

##### 328.7.1 STATE-REQUIRED TRAINING

The Training Coordinator should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Coordinator should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

##### 328.7.2 TRAINING RECORDS

The Training Coordinator shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

#### 328.8 WORKING CONDITIONS

The Administration Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

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#### **328.9 REQUIRED POSTERS**

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

# Child Abuse

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Whittier Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

### 330.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

## 330.2 POLICY

The Whittier Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 330.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

#### **330.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

#### **330.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

#### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.



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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### 330.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

#### 330.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

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#### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

#### **330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW**

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

#### **330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS**

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

### **330.7 INTERVIEWS**

#### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

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

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#### **330.7.3 INTERVIEWS AT A SCHOOL**

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

#### **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

##### **330.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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

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#### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### **330.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

##### **330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)**

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

##### **330.10.3 CACI HEARING OFFICER**

The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

##### **330.10.4 CACI HEARING PROCEDURES**

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

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If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

#### **330.10.5 CHILD DEATH REVIEW TEAM**

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

#### **330.11 TRAINING**

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Persons

## 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - Includes but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away, or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily, or under circumstances that do not conform to their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

## 332.2 POLICY

The Whittier Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Whittier Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

## 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

#### **332.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

#### **332.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:
  1. A photograph and a fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).



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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

#### **332.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

##### **332.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the Records Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

##### **332.6.2 RECORDS BUREAU RESPONSIBILITIES**

The responsibilities of the receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

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- (d) Forwarding a copy of the report to the Detective Bureau.
- (e) Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### **332.7 DETECTIVE BUREAU FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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#### **332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

##### **332.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **332.9 CASE CLOSURE**

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Whittier/Santa Fe Springs or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 MEMBER RESPONSIBILITIES

Members of the Whittier Police Department should notify their supervisor, Watch Commander, or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Press Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

### 334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

#### 334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

#### 334.4.2 CASES NOT MEETING AMBER ALERT CRITERIA

Although the Emergency Alert System (EAS) should be activated only in those child abduction cases meeting the mandatory AMBER Alert criteria, ENTAC is available 24 hours a day, 7 days a week to answer questions regarding missing children. AMBER Alerts should not be used for cases involving runaways, where no abduction is confirmed or occurred, missing children in which there is no evidence of foul play, or custody disputes where the child's life or physical health IS NOT reasonably believed to be endangered. It is important to remember that an AMBER Alert is effective only if activated when appropriate. If AMBER Alerts are misused or employed in cases which do not meet the Government Code criteria, the program's credibility and integrity can be diminished. For cases which do not meet these criteria, the investigator, Watch Commander and/or Detective Supervisor should exercise discretion in determining which available resources would be most appropriate for transmitting information and photographs to other law enforcement agencies, the media, and the public.

#### 334.4.3 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) The Press Information Officer, Watch Commander, or Detective Supervisor will prepare an initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) Fax, Email or Post on Police Department Website the release for local television and radio stations.

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- (c) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (d) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies. The Watch Commander or Detective Supervisor, or their designee shall contact the Los Angeles County Sheriff's Department Communication Center at (323) 881-8100.
- (e) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (f) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (g) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office
  - 2. National Center for Missing and Exploited Children (NCMEC), 800-843-5678
- (h) The Investigation unit Supervisor investigating the abduction or other individual responsible for making notifications, shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

#### 334.4.4 EMERGENCY DIGITAL INFORMATION SERVICE (EDIS) URGENT VERSUS EAS

The EDIS Urgent provides local, state and federal law enforcement agencies with a direct computer link to media outlets and other law enforcement agencies. The EDIS is not an EAS activation and is not to be confused with an AMBER Alert. Standard EDIS messages can be sent via the California Law Enforcement Telecommunications System. Additionally, images and graphics can be posted on the EDIS website ([www.edis.ca.gov](http://www.edis.ca.gov)).

#### 334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

##### 334.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

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- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

#### 334.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle
  - 2. Photograph, description and/or identification of the suspect
  - 3. The suspect's identity, age and description, if known
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
  - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  - 2. The FBI local office

#### 334.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

##### 334.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.

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- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### 334.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

### 334.7 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

#### 334.7.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

#### 334.7.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

### 334.8 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

#### 334.8.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.



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- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
  - 1. The complete license plate number of the suspect's vehicle.
  - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
  - 3. The identity of a suspect.
  - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

#### 334.8.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

#### 334.9 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

##### 334.9.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

- (a) The missing person is an Indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person is missing.
- (d) The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
  - 1. The missing person's physical safety may be endangered.
  - 2. The missing person may be subject to trafficking.
  - 3. The missing person suffers from a mental or physical disability, or substance use disorder.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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#### 334.9.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

#### **334.10 ENDANGERED MISSING ADVISORY**

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

##### 334.10.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Department has utilized all available local resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

##### 334.10.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

#### **334.11 EBONY ALERT**

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

##### 334.11.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.

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- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### **334.11.2 PROCEDURE FOR EBONY ALERT**

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

#### **334.12 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES**

In the event of an emergency, as defined in Government Code § 7299.7, the Whittier Police Department shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

## Victim and Witness Assistance

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 336.2 POLICY

The Whittier Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Whittier Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 336.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts, including the Incident Classification Card with the case report number noted on the card, which provides how the Marcy's Rights information can be obtained (Penal Code Section 679.026) when applicable.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

[See attachment: Victim's Rights Card.JPG](#)

#### 336.3.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

### 336.4 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in

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the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

#### **336.5 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

## Hate Crimes

### 337.1 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

### 337.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate

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crimes are taken seriously and demonstrates how the Whittier Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

This department will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

This department policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief or another command-level officer to whom the chief executive officer formally delegates this responsibility.

This department policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

**337.3 DEFINITION AND LAWS**

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for

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social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.



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**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression**-Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: (a) (b) (c) (d) (e) (f) (g) Disability Gender Nationality Race or ethnicity Religion Sexual orientation Association with a person or group with one or more of these actual or perceived characteristics: 1. "Association with a person or group with these actual or perceived characteristics" includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

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**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part—"In"whole or in part because of" means that the bias motivation must be a cause in fact of the offense, whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality includes citizenship, country of origin, and national origin.

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**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

In recognizing suspected religion-bias hate crimes, the policy shall instruct officers to consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in the particular religion. Examples of religions and such symbols and articles include, but are not limited to:

- (i) In Buddhism, statues of the Buddha.
- (ii) In Christianity, crosses.
- (iii) In Hinduism, forehead markings, known as bindis and tilaks, Aum/Om symbols, and images of deities known as murtis.
- (iv) In Islam, hijabs.
- (v) In Judaism, Stars of David, menorahs, and yarmulkes.
- (vi) In Sikhism, turbans, head coverings, and unshorn hair (including beards).

**Sexual Orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual

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- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

**337.4 PLANNING AND PREVENTION**

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and form networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings, and school assemblies on recognizing, preparing for, and preventing hate crimes.

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**337.5 REPORTING**

This department policy shall require the development of a procedure for data collection, documentation, and mandated reporting requirements. This department shall:

1. Ensure that hate crimes are properly investigated, documented, and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the DOJ. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor, or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The Chief or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. This department shall develop procedures to comply with legally mandated reporting, including the DOJ, pursuant to PC§ 13023.

**337.6 INVESTIGATIONS**

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) Assigned officers should promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.

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- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based on available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
  - 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
  - 1. No victim of or witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).
  - 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. Without a supervisor's prior approval, all relevant reports must be filled out and submitted by the assigned officers before the end of the shift.

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- (h) The assigned officers will provide the victims 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 officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

See attachment: [HATE CRIME SUPPLEMENTAL.pdf](#)

**337.7 DETECTIVE BUREAU RESPONSIBILITIES**

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible

for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records

Bureau Policy.

- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).

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(f) Provide the supervisor and the Press Information Officer (PIO) with information that can be responsibly reported to the media.

1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

**337.8 RELEASE OF INFORMATION**

Establishing a relationship with stakeholders before any incident occurs to develop a network and protocol for disclosure often assists greatly in any disclosure. The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law. The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.



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- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

**337.9 SUPERVISOR RESPONSIBILITY**

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions.

The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

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#### **337.10 TRAINING**

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

# Standards of Conduct

## **339.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Whittier Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

## **339.2 POLICY**

The continued employment or appointment of every member of the Whittier Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## **339.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### **339.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### **339.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### **339.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **339.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

##### **339.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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#### 339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Whittier Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 339.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 339.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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#### 339.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence.
- (c) Tardy: Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse
  - 1. The on duty watch commander shall be notified verbally of his or her pending tardiness. Written forms such as text or email do not qualify.
  - 2. The employee's immediate supervisor, or in his/her absence, the employee's functional supervisor, shall document all tardy incidents.
  - 3. The supervisor shall ensure that the tardy employee acknowledges the documents existence, in writing, by having the employee sign it.
  - 4. The supervisor's written documentation shall be forwarded to the employee's Division Commander who will ensure a copy is maintained in the Divisional file.
  - 5. The amount of time that an employee is late shall be subtracted from the normally scheduled hours in the scheduling system. The employee will not be compensated for the amount of time he/she is late, unless the time is less than 8 minutes.
  - 6. An employee who is tardy more than three (3) times in any 12 consecutive month period is subject to progressive discipline.
- (d) Excessive absenteeism or abuse of leave privileges.

#### 339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
  - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

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#### 339.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.
- (f) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

#### 339.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any departmentrelated business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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- (g) Improper political activity including:
  - 1. Unauthorized attendance while on duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.
- (j) Failure to take reasonable action while on duty and when required by law, statute, resolution or approved department practices or procedures.
- (k) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

#### 339.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage or the reasonable possibility thereof.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.



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- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
- (n) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- (o) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (p) Failure to control temper.
- (q) Discourtesy.
- (r) Employees shall carry their badges and identification cards on their person while on duty, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and identification number to any person requesting that information, when they are on duty or while acting in an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.
- (s) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

#### 339.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

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#### 339.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

# Information Technology Use

## 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 341.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Whittier Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 341.2 POLICY

It is the policy of the Whittier Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **341.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **341.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **341.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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#### **341.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

#### **341.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

#### **341.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

#### **341.7 CITY POLICY**

Employees shall be familiar with, and are referred to, the City of Whittier Standard Operating Procedure #25, Communications and Technology Policy. This policy is intended to work in concert with the city-wide policy.

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#### **341.8 USE OF SOCIAL MEDIA FOR INVESTIGATIVE PURPOSES**

Data contained on the Internet within social network sites may assist law enforcement in gathering timely information in furtherance of crime prevention, including the preservation of public order and the investigation of criminal activity. To effectively fulfill these duties, it may be necessary for investigators to access social network sites using an online alias.

When an investigator finds it necessary to create an account on a social network website for investigative or research purposes, the investigator shall confer with their immediate supervisor, if access to public domain data requires the use of an online alias/online alias access.

The investigator shall prepare a memo to their immediate supervisor requesting use of an online alias. The memo shall be reviewed by the supervisor and forwarded to the Investigations Division Lieutenant for approval. If approved, the memo will be filed in a designated online alias access folder, maintained by the Investigations Division Lieutenant. Included on the memo:

- (a) Purpose for the request (i.e., type of investigation, etc.)
- (b) Username (online alias)
- (c) Identifiers and pedigree to be utilized for the online alias, such as email address, username, profile photo and date of birth.
- (d) Do not include password(s) for online alias and ensure password(s) are secured at all times.

# Report Preparation

## 343.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 343.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

### 343.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

#### 343.2.2 NON-CRIMINAL ACTIVITY

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

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### 343.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.



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- (d) Unattended deaths (Where a physician refuses to sign a death certificate).
- (e) Found dead bodies or body parts.

#### 343.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

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

#### 343.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### 343.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

#### 343.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

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- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

#### **343.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

##### **343.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

##### **343.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

#### **343.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

#### **343.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

## Media Relations

### 345.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

### 345.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Press Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

#### 345.2.1 MEDIA REQUEST

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

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### 345.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

#### **345.3.1 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

#### **345.3.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

#### **345.4 POLICY**

It is the policy of the Whittier Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

#### **345.5 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

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#### **345.6 MEDIA REQUESTS**

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

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

#### **345.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **345.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

#### **345.8 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

##### **345.8.1 INFORMATION LOG**

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or

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confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

# Subpoenas and Court Appearances

## 347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Whittier Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

## 347.2 POLICY

Whittier Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 347.2.1 PROCEDURE

To ensure that the officer is able to appear in court when required, that the officer is compensated for such appearance, officers shall follow the established procedures for receipt of an electronic notice of a subpoena.

### 347.2.2 ELECTRONIC SUBPOENA NOTIFICATION

The Court Liaison Officer, upon receipt of subpoenas, will forward the subpoena to the named officer by placing the subpoena in the officer's mailbox. The Court Liaison Officer will then, through the departmental scheduling system (Outlook), advise the officer and the officer's supervisor of the subpoena service. The officer will be required to acknowledge receipt of this information within two days of returning to work through the departmental scheduling system, and advise if there are any conflicts with the subpoena court date. The Court Liaison Officer will maintain a subpoena log, in his computer, of the all subpoenas served to members of the Whittier Police Department. Access to this log will be provided to all police personnel. Officers are reminded they are to check their email at least one time per shift per policy.

- (a) Officers must select a receipt option to acknowledge acceptance of the subpoena. Employees will select "Yes" on all "Read Receipts" in order to validate they have read the emailed subpoena.
  - 1. When employees "Accept" the electronic subpoena it will be placed on your "Outlook" calendar.
  - 2. If an employee has a conflict with the date and time of the subpoena they will select the "Decline" button and then send the "Edit the response before sending" button. In this instance you must comment to the Court Liaison Officer why you cannot attend.
- (a) In this instance you must also submit an "Officer Declaration for Continuance" form to the Watch Commander. If you received a hard copy of the subpoena you must attach that subpoena to the declination form.

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3. Deleting an electronic subpoena notification without reading it, does not exempt the employee from having been properly served and can be the subject of discipline pursuant to G.O. 212.5(b) and G.O. 348.2.9
4. Employees can access the master court calendar to review scheduled court events and personnel subpoenaed to court. An employee can also verify their court dates using their work outlook account.

Court updates will be handled and maintained by the Court Liaison Officer on a regular basis, pending notification from court.

#### **347.3 SUBPOENAS**

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

##### **347.3.1 SPECIAL NOTIFICATION REQUIREMENTS**

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.



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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Whittier Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Whittier Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **347.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **347.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **347.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **347.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **347.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.

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- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **347.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

#### **347.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

## Reserve Officers

### **349.1 PURPOSE AND SCOPE**

The Whittier Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### **349.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS**

The Whittier Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

#### **349.2.1 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

#### **349.2.2 APPOINTMENT**

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### **349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS**

All reserve officer appointees are issued a voucher to purchase all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

#### **349.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS**

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### **349.3 DUTIES OF RESERVE OFFICERS**

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

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#### **349.3.1 POLICY COMPLIANCE**

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

#### **349.3.2 RESERVE OFFICER ASSIGNMENTS**

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **349.3.3 RESERVE COORDINATOR**

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

#### **349.3.4 ASSISTANT RESERVE COORDINATOR**

An Assistant Reserve Coordinator may be appointed by the Reserve Coordinator to assist in the administration and operation of the Reserve Program. The Assistant Reserve Coordinator will handle the normal duties of the Reserve Coordinator in his/her absence.

### **349.4 FIELD TRAINING**

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

#### **349.4.1 TRAINING OFFICERS**

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

#### **349.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO)

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Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

#### 349.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Whittier Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

#### 349.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### 349.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

#### 349.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

#### 349.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride

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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.

Applicants for the award of a Reserve Peace Officer Certificate shall:

1. Be currently employed as a (designated or non-designated) Level I Reserve Officer with a department participating in the POST program.
2. Have been selected in accordance with the minimum selection standards specified in Commission regulations for reserve officers.
3. Have completed a POST-certified Regular Basic Course in any delivery format.
4. Have satisfactorily completed a minimum of 200 hours of general law enforcement experience.
5. If appointed on or after January 1, 1999, but prior to June 30, 1999, shall have completed 200 hours of field training. If appointed on or after July 1, 1999, shall have completed 400 hours of field training.

#### **349.5 SUPERVISION OF RESERVE OFFICERS**

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6(a)(2)). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

Immediate Supervision for Level II Reserves is defined by POST as: "Reserve Officer acts under the direction of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission, and is routinely in the physical proximity of and available to the reserve officer: however, allowance is permitted for necessary temporary separations (i.e. prisoner transport). Level III reserves must be supervised by a peace officer in the assessable vicinity. According to POST they too can transport prisoners.

##### **349.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

##### **349.5.2 RESERVE OFFICER MEETINGS**

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

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#### **349.5.3 IDENTIFICATION OF RESERVE OFFICERS**

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

#### **349.5.4 UNIFORM**

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

#### **349.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

#### **349.5.6 RESERVE OFFICER EVALUATIONS**

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

### **349.6 FIREARMS REQUIREMENTS**

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

#### **349.6.1 CARRYING WEAPON ON DUTY**

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

#### **349.6.2 CONCEALED FIREARMS PROHIBITED**

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

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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 and be inspected and certified as fit for service by a departmental armorer.

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

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Whittier Police Department.

#### **349.6.3 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 Manual, with the following exceptions:

- (a) All reserve officers are required to maintain the same qualification standards as full-time officers
- (b) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

#### **349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

#### **349.8 MANDATORY RESERVE OFFICER TRAINING**

Reserve officers are required to attend mandated POST training and any other mandatory Department training sessions.



## Outside Agency Assistance

### 351.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 351.2 POLICY

It is the policy of the Whittier Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

### 351.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

Whenever any law enforcement agency notifies any member of the Whittier Police Department their intent to execute a search or arrest warrant, or conduct some other type of tactical operation within our jurisdictional boundaries and requests our assistance, the following procedures will be followed:

- (a) A Whittier Police Department field supervisor will contact and review the requesting agency's operations plan and prepare a Whittier Police Department search/arrest warrant checklist.
- (b) The watch commander will be notified, ensure the requesting agency's operations plan is tactically sound and review the search/arrest warrant checklist completed by the field supervisor.

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- (c) If the operation meets a "high risk" level according to the search/arrest warrant checklist, the field supervisor will recommend that an alternative to a tactical entry be made, such as surveillance and detention outside the location, containment and order to exit, or that a special weapons team make entry.
- (d) Should the requesting agency's operations plan not meet the tactically sound requirements as determined by the watch commander and field supervisor, or the requesting agency declines alternative measures for those warrant services that are determined to be "high risk", we will advise and decline to participate in the tactical operation or strictly limit our role.
- (e) When such assistance is rendered, a BR number will be issued to report action taken by Whittier Police Personnel. Probation violators temporarily detained by this agency will not ordinarily be booked at this Department.

#### **351.3.1 INITIATED ACTIVITY**

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Whittier Police Department shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

#### **351.4 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **351.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

# Honor Guard

## 353.1 PURPOSE AND SCOPE

The Honor Guard is the official ceremonial unit of the Whittier Police Department. Its purpose is to represent the Department and to act as a goodwill ambassador at any function its members attend.

As a general rule the Honor Guard will attend the following events within a 50 mile radius: Parades (Uptown Christmas Parade), Awards Ceremonies (Silver Shields), important civic events, police officer memorial events, funerals for active employees, funerals for retired employees when requested, funerals for fallen officers from outside agencies, and when otherwise requested by the Chief of Police or his/her designee. Generally, in the event that a Whittier Police Officer is killed in the line of duty, an outside agency will function as the honor guard allowing the Whittier PD Honor Guard to grieve one of their own.

## 353.2 ORGANIZATION

Generally, the Honor Guard will fall under the **Administration Division Commander** who will accept and authorize deployment of the Unit. Officers assigned to the Honor Guard will report to the **Honor Guard Commander**, or his or her designee, who shall be of command rank and titled the **Honor Guard Commander**. He/She will be responsible for administrative functions such as budget requests, equipment control and requests, and manpower allocation. He/She will also oversee staffing, recruitment and the selection process in order to maintain adequate staffing levels to perform the functions of the Unit.

(a) The Honor Guard Commander may appoint a **Coordinator** who will be responsible for:

1. The planning and execution of all Honor Guard activities.
2. Designation of officers who shall participate in Honor Guard activities.
3. Maintaining records for the Honor Guard.
4. Maintain an acceptable level of training for all Honor guard members and maintain a record of attendance for determination of "active status."
5. Contacting needed members at least 24 hours before an event.

(b) Officers assigned to the Honor Guard squad shall:

1. Maintain an Honor Guard dress uniform.
2. Be available to attend any or all Honor Guard activities.
3. Assist the Coordinator as needed.

## 353.3 COMMITMENT AND EXPECTATIONS

Assignment to a special unit/assignment will generally not affect membership. Honor Guard requirements:

1. Minimum two-year commitment with no limit.

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2. Open to all non-probationary sworn personnel.
3. Strict grooming standards with weight proportionate to height.
4. Professional demeanor.
5. General interest in ceremonial rituals and etiquette.
6. Demonstrate proficiency of complex movements after receiving training.
7. Willingness to participate in events within 24 hours' notice.

#### **353.4 DEPARTMENT RESPONSIBILITY**

##### **(a) Provide Honor Guard Uniform**

1. Issue each member of the Honor Guard Unit a specifically tailored uniform as per the description in the Department Uniform Regulations Policy.
2. The uniform will be issued specifically for the Honor Guard and will not be worn as a regular work uniform.

(b) A marked unit will be assigned to the Honor Guard when an appearance is scheduled. This will be done prior through the on-duty Watch Commander.

(c) The Honor Guard Coordinator will approve needed training time through the Honor Guard Commander.

(d) The Honor Guard Coordinator will coordinate the implementation of the Honor Guard to scheduled activities.

(e) Provide a United States Flag, State of California Flag, City of Santa Fe Springs Flag and a City of Whittier Flag with poles, bases, and vinyl carriers for flags and poles. Also provide casket flags (one for practice and one for ceremonial fold/presentation) along with a vinyl casket flag case.

#### **353.5 OFFICER'S RESPONSIBILITY**

##### **(a) Promptness is of primary importance.**

(b) Each officer will maintain the entire Honor Guard uniform in a "Ready for Inspection" condition.

(c) Each officer will be prepared and expected to respond to an Honor Guard assignment with a 24-hour notice.

(d) All members of the Honor Guard Unit are expected to adhere to strict grooming standards, trim physical condition, and be an example of professional law enforcement appearance at all times.

(e) Maintain a Unit Travel Case with extra white gloves, badge bands, hat badge, sewing kit, buttons, athletic tape, etc.

#### **353.6 TRAINING**

(a) Upon selection to the Honor Guard Unit, each member will receive instruction from the Coordinator on unit responsibilities, movements, and expectations.

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(b) The Honor Guard Commander and Honor Guard Coordinator, upon appointment, will receive formal training at a POST approved course.

(c) Honor Guard Unit training will occur at least every quarter to enhance movements, timing, marching, and drill. Generally two hours a quarter is recommended.

## Registered Offender Information

### 355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Whittier Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

### 355.2 POLICY

It is the policy of the Whittier Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 355.3 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

#### 355.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

### 355.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Whittier Police Department personnel, including timely updates regarding new or relocated registrants.

#### **355.5 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Whittier Police Department's website. Information on sex registrants placed on the Whittier Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

##### **355.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

##### **355.5.2 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).



# Major Incident Notification

## 357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 357.2 POLICY

The Whittier Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 357.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Whittier/Santa Fe Springs official
- Arrest of a department employee or prominent Whittier/Santa Fe Springs official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

## 357.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

### 357.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

### 357.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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#### 357.4.3 TRAFFIC BUREAU NOTIFICATION

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

#### 357.4.4 PRESS INFORMATION OFFICER (PIO)

The Press Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

# Tactical Alert Plan

## 358.1 PURPOSE AND SCOPE

The purpose of this Order is to establish the Tactical Alert Plan as the *Standard Operating Procedure* for responding to civil disturbances or other extraordinary occurrences.

### 358.1.1 BACKGROUND

Over the past few years, urban centers across America have seen a dramatic increase in incidents of civil disorder, terrorism, and natural disasters. Each of these events requires a preplanned, specialized, and coordinated response by law enforcement personnel. The Whittier Police Department's Tactical Alert Plan provides a blueprint for responding to incidents such as these.

## 358.2 POLICY

The Whittier Department Tactical Alert Plan shall be implemented whenever a Tactical Alert Level 1, 2, or 3 has been declared by the appropriate level of authority. The primary objectives of the Tactical Alert Plan are to:

- (a) Ensure the safety and security of the community
- (b) Deter illegal activity
- (c) Provide an organized police response
- (d) Assist in the recovery process

### 358.2.1 EXCEPTIONS

It is virtually impossible to pre-plan for every contingency that an Incident Commander may encounter. Therefore, Incident Commanders in charge of a tactical alert shall have the authority to deviate from this plan when circumstances dictate that is necessary to do so. However, no deviation from the plan shall authorize anyone to violate any Federal, State, or local law or ordinance.

- (a) When the Whittier Police Department foresees a critical problem developing, we shall immediately implement our Tactical Alert Plan to the appropriate level of alert.
- (b) The designated Incident Commander shall mobilize the required resources and equipment necessary to control the incident.
- (c) In any civil disturbance, the Incident Commander shall act promptly and lawfully with an appropriate response of strength to curtail criminal activity at the start of the disturbance when there is the greatest chance of stopping violence from spreading.
- (d) The Whittier Police Department has Three (3) levels of tactical alert. Level 1 is the lowest level of alert, and Level 3 is the highest level of alert. Each alert level is as follows:

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#### **358.3 TACTICAL ALERT LEVELS**

##### **358.3.1 TACTICAL ALERT LEVEL 1**

A Tactical Alert Level 1 will be advisory only. An advisory alert will be sent to all Whittier Police Department managers and personnel. The alert notification will be done in a memorandum from the Chief of Police. There will be no special deployment.

- (a) When a Tactical Alert Level 1 is declared, all on-duty sworn personnel may be required to be in uniform with all of their equipment and available additional resources. This would include all sworn personnel assigned to Investigations, plain clothes assignments, and Administration.
- (b) Under a tactical alert level 1, the Watch Commander will assign four SORT officers and a Sergeant as a designated mutual aid response team. Officers designated as the mutual aid response team shall carry in their vehicles additional specialized equipment and personal items needed in case of a prolonged deployment. At a minimum, the following equipment will be deployed:
  - 1. Street sweeper or shotgun
  - 2. 1 Case of beanbag rounds
  - 3. Colt AR-15(A)(2) Government Carbine
  - 4. Flexible handcuffs
- (c) If SORT officers are not available, Entry Team officers will be used first, regular patrol officers will be used last.

##### **358.3.2 TACTICAL ALERT LEVEL 2**

- (a) A Tactical Alert Level 2 will be declared when it is known in advance that an incident is going to occur or a problem may develop, or an incident that is in progress will require significant numbers of police personnel to maintain order. The alert notification will be done in a memorandum form by the Chief of Police. The Manager most likely to be in charge of the incident will advise all other Department managers of the tactical alert. If not, notification will be done via telephone or other communication system.
  - 1. When a Tactical Alert Level 2 is declared, all on-duty sworn personnel will be required to be in uniform with all of their equipment and available additional specialized equipment and personal items needed in case of prolonged deployment. At a minimum, the following equipment will be deployed:
    - (a) Street sweeper or shotgun
    - (b) 1 Case of beanbag rounds
    - (c) Colt AR-15(A)(2) Government Carbine
    - (d) Flexible handcuffs

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- (b) If SORT officers are not available, Entry Team officers will be used first, regular patrol officers will be used last.

#### 358.3.3 TACTICAL ALERT LEVEL 3

- (a) The alert notification will be done in memorandum form by the Chief of Police. All Department Managers will be notified when a Tactical Alert Level 3 is declared and may be required to respond to the station or command location. All on-duty personnel will remain on duty and will not end their watch until released by the Watch or Incident Commander. This includes Patrol, Investigation, and Administration. All personnel will be required to be in uniform and all personnel will remain on duty until the Tactical alert is downgraded or sufficient personnel and resources have been deployed.
- (b) When a Tactical Alert Level 3 is declared, the Watch Commander will have the authority to implement the following:
  - 1. Activate off duty personnel
  - 2. Transition the entire Department to 12 hour work shifts
- (c) If the incident will require a transition to a 12-hour shift deployment, The Watch Commander will form officers into four companies of personnel (Team 1 through Team 4). Each team will be required to have a sufficient number of officers and supervisors in order to provide adequate police services and maintain control of the situation. The Watch Commander will determine which team would remain on duty and which would return home and come back to work at the beginning of their 12-hour shift.
- (d) Under a tactical alert level 3, the Watch Commander will assign four SORT officers and a Sergeant as a designated mutual aid response team. Officers designated as the mutual aid response team shall carry in their vehicles additional specialized equipment and personal items needed in case of a prolonged deployment. At a minimum, the following equipment will be:
  - 1. Colt AR-15(A)(2) Government Carbine
  - 2. Flexible handcuffs
- (e) If SORT officers are not available, Entry Team officers will be used first, regular patrol officers will be used last.

#### 358.3.4 AREA TACTICAL ALERT

In the event that the Los Angeles Emergency Operations Bureau declares a county-wide or area specific tactical alert, the Watch Commander will determine the level of Department tactical alert appropriate for the incident.

#### **358.4 EMERGENCY RESPONSE COORDINATOR**

Should the city of Whittier experience a natural disaster, a civil disturbance, or any other unusual occurrence requiring mutual aid (i.e., earthquake, chemical spill, train wreck, flood, riot, etc.) that

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necessitates a Tactical Alert Level 2, or 3, it shall be the policy of the Whittier Police Department to immediately notify the Department Emergency Response Coordinator (ERC) and the Special Occurrence Response Team Coordinator. Upon notification, the ERC will assume the role of Incident Commander and be responsible for coordinating our agency's overall response. The ERC shall continue to serve in this capacity until the incident deescalates or until relieved by higher authority. The Emergency Response Coordinator shall also be notified in the event our agency is asked to provide mutual aid to another jurisdiction.

The Emergency Response Coordinator process is not intended to replace the standard chain of command in situations that would normally be handled by a Field Operations Lieutenant such as warrant services, parades, festivals, demonstrations, or any other situation that does not meet the criteria outlined above.

If the ERC or alternate ERC is unavailable, the Patrol Captain shall designate the appropriate individual to coordinate our Department's response.

#### **358.5 MUTUAL AID RESPONSES**

This Tactical Alert Plan shall not change the mutual aid process we currently follow to provide immediate assistance to another law enforcement agency. If we receive a mutual aid request from an outside law enforcement agency and it is likely the mutual aid assistance will last longer than two hours, the following procedure shall be followed prior to any Whittier Police Department response. Notify the Department's Emergency Response Coordinator. The ERC coordinator shall be responsible for, but not limited to, the following:

- (a) Obtaining the prior approval of the Patrol Division Captain.
- (b) Planning and implementing our personnel's response to the mutual aid request, including increasing the number of officers provided by our Department for mutual aid purposes.
- (c) Consulting with the Patrol Division Captain on the deployment and mutual aid plan prior to implementing it whenever possible.
- (d) Complete any needed fiscal reports to ensure financial reimbursement when appropriate (i.e., Federal, State, or local disaster or emergency declaration).
- (e) Complete after-action debriefing and reports.

#### **358.6 PERSONNEL RECALL PROCEDURE**

- (a) In the event of a civil disturbance or other unusual event occurs, and the personnel needs cannot be met by on-duty personnel, it may be necessary to recall off-duty personnel.
- (b) Notification and recall of off-duty personnel will be made by telephone and pager. As such, all Department personnel shall provide and keep current a physical home address and telephone number.

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- (c) Employees who are aware that an emergency condition might exist should immediately activate assigned pagers, and attempt to contact the station.
- (d) When attempts to contact the station fail, personnel should monitor the "Emergency Broadcasting System" for an assessment of the situation. If emergency conditions are declared, personnel should respond to the station for assignment as soon as possible.
- (e) The following personnel have the authority to approve or initiate a recall of off-duty personnel:
  - 1. The Chief of Police
  - 2. Any Captain
  - 3. Any Lieutenant
  - 4. Any other Police Department employee that has been directed to begin the recall process by any of the above listed Police Department managers

#### **358.7 SUMMARY**

This Tactical Alert Plan does not list specific tactical deployments of personnel because it is virtually impossible to develop a plan that covers the varied situations our personnel may encounter in the field. The designated Incident Commanders have been given the freedom to plan and deploy their personnel as the circumstances dictate. It is important for the Incident Commander to remember that when an incident develops or a disaster is in progress, we must act promptly, professionally, and lawfully to provide for the continued safety and security of the community.

# Death Investigation

## 359.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

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 and use of appropriate resources and evidence gathering techniques is critical.

## 359.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

### 359.2.1 CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. This also includes all deaths outside hospitals and nursing care facilities.)
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, in the 20 days prior to death
- (c) Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This includes all sudden, unexpected, and unusual deaths, and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide
- (e) Known or suspected suicide (including suicide where the deceased has a history of being victimized by domestic violence)
- (f) Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
- (g) Deaths related to or following known or suspected self-induced or criminal abortion
- (h) Deaths associated with a known or alleged rape or crime against nature
- (i) Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.



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- (j) Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration
- (k) Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
- (l) Deaths from occupational diseases or occupational hazards
- (m) Deaths from known or suspected contagious disease and constituting a public hazard
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room, or elsewhere
- (o) Deaths that occur in prison or while under sentence. This includes all in-custody and police-involved deaths.
- (p) All deaths of unidentified persons
- (q) All deaths of state hospital patients
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. This includes patients that are admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

#### 359.2.2 SEARCHING DEAD BODIES

- (a) The Coroner or a designee 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. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).
- (b) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).
- (c) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating officer should first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).
- (d) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.
- (e) Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

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#### **359.2.3 REPORTING**

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

#### **359.2.4 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Detective Bureau shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Watch Commander or Detective Bureau supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

#### **359.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES**

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

#### **359.2.6 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE**

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating officers should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

### **359.3 POLICY**

It is the policy of the Whittier Police Department to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

#### **359.4 UNIDENTIFIED DEAD BODY**

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

#### **359.5 DEATH NOTIFICATION**

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

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If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

# Identity Theft

## 361.1 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.

## 361.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
  - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

## Private Persons Arrests

### 363.1 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.

### 363.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 363.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

### 363.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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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

#### **363.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

## Limited English Proficiency Services

### 367.1 POLICY

It is the policy of the Whittier Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 367.2 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator (Communications Supervisor). The LEP Coordinator shall be appointed by, and directly responsible to, the Support Services Manager or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Whittier Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
  1. Languages spoken
  2. Contact information
  3. Availability
- (d) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (e) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (f) Utilizing City standards and assessments to be used by the Department to qualify individuals as qualified bilingual members.
- (g) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (h) Receiving and responding to complaints regarding department LEP services.
- (i) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

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#### **367.3 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **367.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Whittier Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as interpreter service, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **367.5 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **367.6 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **367.7 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may



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be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **367.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Whittier Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **367.8.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **367.9 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

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If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **367.10 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **367.11 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **367.12 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

# Mandatory Employer Notification

## **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 offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

### **372.2.1 ARREST OF PUBLIC SCHOOL TEACHER**

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### **372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### **372.2.3 ARREST OF PRIVATE SCHOOL TEACHER**

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

### **372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

#### **372.3 POLICY**

The Whittier Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

#### **372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES**

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

## Biological Samples

### 374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

### 374.2 POLICY

The Whittier Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

#### 374.3.1 FULL PALM PRINTS

Full palm print impressions shall be obtained on authorized DOJ prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)). Our department will submit palm prints via Livescan once available. Ink palm prints will be collected and processed when Livescan is unavailable.

Note: Palm prints are sent directly to DOJ's Bureau of Criminal Identification in Sacramento, CA, while the DNA collection kits are sent to the DNA Data Bank Program in Richmond, CA.

### 374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

#### 374.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

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- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

#### **374.5 USE OF FORCE TO OBTAIN SAMPLES**

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

##### **374.5.1 VIDEO RECORDING**

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

##### **374.5.2 CELL EXTRACTIONS**

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

#### **374.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

##### **374.6.1 DOCUMENTATION RELATED TO FORCE**

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include

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information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

#### **374.6.2 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

#### **374.6.3 LITIGATION**

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

#### **374.7 RELATED STATUTES**

It is a felony for any qualifying individual to knowingly facilitate the collection of wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity. (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes. (Penal Code § 299.5(i)(1)(A)).

#### **374.8 LITIGATION**

The Chief of Police, or authorized designee, shall immediately notify the Department of Justice's DNA Legal Unit at (415)-703-5892 in the event this Department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

#### **374.9 APPLICABLE OFFENSES**

Penal Code §§ 207/261 Kidnapping with intent to rape

Penal Code §§ 207/286 Kidnapping with intent to commit sodomy

Penal Code §§ 207/288 Kidnapping with intent to commit lewd or lascivious act

Penal Code §§ 207/288a Kidnapping with intent to commit oral copulation

Penal Code §§ 207/289 Kidnapping with intent to commit forcible penetration

Penal Code §§ 209/261 Kidnapping for ransom with intent to rape

Penal Code §§ 209/286 Kidnapping for ransom with intent to commit sodomy

Penal Code §§ 209/288 Kidnapping for ransom with intent to commit lewd or lascivious act

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Penal Code §§ 209/288a Kidnapping for ransom with intent to commit oral copulation

Penal Code §§ 209/289 Kidnapping for ransom with intent to commit forcible penetration

Penal Code § 220 Assault with intent to commit rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object

Penal Code § 243.4 Sexual battery

Penal Code § 261 Rape

Penal Code § 262(a)(1) Forcible spousal rape

Penal Code § 264.1 Rape or penetration of genital or anal openings by foreign object acting in concert with another person

Penal Code § 266 Enticing "chaste" female to prostitute herself

Penal Code § 266c Sexual contact through false pretenses

Penal Code § 266h(b) Pimping a minor

Penal Code § 266i(b) Pandering a minor

Penal Code § 266j Procuring a child for lewd acts

Penal Code § 267 Abducting a minor for prostitution

Penal Code § 269 Aggravated sexual assault of a child

Penal Code § 285 Incest

Penal Code § 286 Sodomy

Penal Code § 288 Lewd or lascivious acts

Penal Code § 288a Oral copulation

Penal Code § 288.5 Continuous sexual abuse of a child

Penal Code § 289 Forcible sexual penetration

Penal Code §§ 311.1.; 311.2 Importing child pornography

Penal Code § 311.3 Sexual exploitation of a child

Penal Code § 311.4 Employing a minor for sex acts

Penal Code § 311.10 Advertising Child pornography for sale

Penal Code § 311.11 Possession of child pornography

Penal Code § 647.6 Annoying of molesting a child

Penal Code § 653f(c) Solicitation to commit sex offense

Penal Code §§ 314(1)/(2) Indecent exposure



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Penal Code § 272 Contributing to the delinquency of a minor involving lewd or lascivious conduct

Penal Code § 288.2 Sending sexual material to a minor with intent to seduce

Penal Code § 187 Murder

Penal Code § 192(a) Voluntary manslaughter

Penal Code § 296(a)(2) Attempt to commit on of the preceding crimes

# Facial Recognition

## 375.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the acceptable use of the images (probe and candidate), information and tools within the facial recognition system. This policy applies to all law enforcement personnel who are granted direct access to the face recognition system as well as personnel who are permitted to request face recognition searches. Any outside agency, or personnel from an outside agency, requesting face recognition assistance with an investigation must also adhere to this policy, and must fill out a request form (Sample Request Form Attached) (Sample Search Report Attached) which indicates adherence to these policies.

## 375.2 DEFINITIONS AND TERMS

The following defined terms are consistent with Los Angeles County Regional Identification System (LACRIS) terms and definitions:

**Digital Mugshot System (DMS)** – DMS is the repository of all criminal booking photos (mugshots) and includes a Facial Recognition application.

**Facial Recognition** – The automated searching of a facial image (probe) against a known database(s) resulting in a list of candidates ranked by computer-evaluated similarity score. This is commonly referred to as a one-to-many comparison.

**Facial Reviewer**- A person who successfully completed training by the FBI or LACRIS in facial comparison. (1) The review of a candidate list to identify possible matches. (2) One-to-one verification conducted in a high-throughput environment (e.g., stadium entrance).

**Los Angeles County Regional Identification System (LACRIS)** - The California Department of Justice's CAL-ID program is responsible for providing biometric identification services to Los Angeles County law enforcement agencies.

**Probe**- The facial image or template is searched against a known mugshot database in a Facial Recognition System.

**Surveillance**- Lawful close watch kept over someone or something.

## 375.3 POLICY

This policy of the Whittier Police Department is to solely utilize face recognition technology as an investigative tool during investigations while recognizing the established privacy rights of the public.

Facial recognition shall be used in accordance with the federal and state constitutions, federal and state laws, and all Departmental policies.

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### *Facial Recognition*

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#### **375.4 PROHIBITED USES**

1. Members shall not use facial recognition to actively surveil members of the public through any camera or video device unless the person(s) are under an active criminal investigation or the surveillance is in response to an imminent threat of life.
2. Members shall not use face recognition on live stream video unless there is an imminent threat to life or involves at-risk individuals.
3. Members shall not use facial recognition for predictive analysis.
4. Facial recognition shall not be used for non-criminal or administrative investigations.

#### **375.5 FIRST AMENDMENT ACTIVITY**

Facial recognition must be used in accordance with all federal and state laws, and all Departmental policies.

The Whittier Police Department and its personnel will not perform or request facial recognition searches about individuals or organizations that violate the First, Fourth, and Fourteenth Amendments of the US Constitution and based solely on any of the following:

1. Their religious, political, or social views or activities
2. Their participation in a particular noncriminal organization.
3. Their race, ethnicity, citizenship, place of origin, age, disability, gender, gender identification, sexual orientation, or other protected classification.

#### **375.6 DATABASE AND DATA LIMITATIONS**

1. The Whittier Police Department will not maintain or keep any database to conduct facial recognition searches.
2. The Whittier Police Department shall only utilize authorized facial recognition systems to conduct facial recognition searches.
3. No other databases, such as the California driver's license photo database, are linked to or accessible via the facial recognition system.
4. Potential matches returned by the facial recognition system are to be considered investigative leads only and cannot be used as the sole basis for an arrest or identification.

#### **375.7 DOCUMENTATION**

With any possible match where an investigative lead is generated on the facial recognition software, the Face Reviewer and/or investigator should write a detailed report on the information they have obtained.

#### **375.8 INVESTIGATIVE SEARCHES**

1. Probe images will only be used from legally obtained sources.

# Whittier Police Department

## Whittier PD Policy Manual

### *Facial Recognition*

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2. Face Reviewers will determine if probe image(s) is suitable for facial recognition searches and may process images for the purpose of conducting a facial recognition search.
3. Any comparison search, by itself, is not considered positive identification and does not establish probable cause without further investigation.

#### **375.9 TRAINING**

Whittier Police Department personnel accessing the facial recognition system shall have successfully completed training provided by the Federal Bureau of Investigations (FBI) or LACRIS, which shall meet the Criminal Justice Information Services (CJIS) minimum training criteria for usage of facial recognition systems. Investigative searches shall only be conducted by trained Face Reviewers. Trained Face Reviewers are qualified to assess image quality and suitability for face recognition searches and to perform one-to-many and one-to-one face image comparisons.

#### **375.10 AUDITS**

The use of the LACRIS facial recognition system is controlled by state law pertaining to Criminal Offender Record Information (CORI). All use(s) of the LACRIS facial recognition system will be performed on a need-to-know and right-to-know basis per CORI regulations. All use(s) of the LACRIS facial recognition system and search requests are subject to audit by the Cal-DOJ and LACRIS. In the event of an audit, the user will be required to provide appropriate justification for the use or request of a face recognition search.

Appropriate justification shall include a situation description and purpose for the search, including a detailed account of circumstances amounting to reasonable suspicion, a case/complaint number, and a file class/crime type, if available.

At least on a quarterly basis, the Investigative Services Division Commander or designee shall conduct reviews of facial recognition searches conducted by Department personnel to ensure compliance with the standards of this policy including the recording of usage and results.

# Chaplains

## 376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Whittier Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

## 376.2 POLICY

The Whittier Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

## 376.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

## 376.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Whittier Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

### 376.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chaplain Director (Lieutenant) after recommendation from the Chaplain Supervisor.

Successfully complete an appropriate-level background investigation.

- (a) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a

# Whittier Police Department

## Whittier PD Policy Manual

### *Chaplains*

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liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

#### **376.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Whittier Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Whittier Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

#### **376.6 CHAPLAIN SUPERVISOR**

The Chief of Police shall delegate certain responsibilities to a chaplain supervisor, who shall be a sworn sergeant with the department. The chaplain supervisor shall be selected by the Chaplain Lieutenant and directly responsible to that lieutenant regarding issues related to the Chaplain Program. Chaplains shall be appointed by the Chief of Police.

The Chaplain Supervisor shall serve as the liaison between the chaplains and the Chaplain Lieutenant. The function of the Chaplain Supervisor is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chaplain Lieutenant, chaplains shall report to the chaplain supervisor, senior chaplain, chaplain lieutenant and/or Watch Commander.

The chaplain supervisor may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the supervisor or the senior chaplain include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.

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## Whittier PD Policy Manual

### Chaplain

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- (i) Maintaining liaison with other agency chaplain coordinators.

#### **376.7 DUTIES AND RESPONSIBILITIES**

Chaplain assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain supervisor or the senior chaplain.

Chaplain may not proselytize or attempt to recruit members the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

##### **376.7.1 COMPLIANCE**

Chaplain are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

##### **376.7.2 OPERATIONAL GUIDELINES**

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Whittier Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the senior chaplain utilizing the chaplain log book.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Whittier Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Whittier Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

##### **376.7.3 ASSISTING THE DEPARTMENT**

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

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### *Chaplains*

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- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

#### **376.7.4 ASSISTING THE COMMUNITY**

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### **376.7.5 CHAPLAIN MEETINGS**

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

#### **376.7.6 ASSISTING DEPARTMENT MEMBERS**

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### **376.8 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Department may work or volunteer for the Whittier Police Department in any capacity other than that of chaplain.



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### *Chaplains*

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Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Whittier Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **376.9 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains as per the guidelines in the Department Chaplain Manual. The training, as approved by the Training Coordinator, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

## Child and Dependent Adult Safety

### 380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

### 380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Whittier Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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## Whittier PD Policy Manual

### *Child and Dependent Adult Safety*

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#### 380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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### *Child and Dependent Adult Safety*

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

#### 380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **380.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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## Whittier PD Policy Manual

### *Child and Dependent Adult Safety*

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **380.5 TRAINING**

The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

## Service Animals

### 382.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

#### 382.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 382.2 POLICY

It is the policy of the Whittier Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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### *Service Animals*

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **382.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Whittier Police Department affords to all members of the public (28 CFR 35.136).

## Department Use of Social Media

### 389.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 389.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

### 389.2 POLICY

The Whittier Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 389.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. All department social media sites shall be overseen by the Administration Division Lieutenant. The daily monitoring of content shall fall primarily on the Public Information Officer, with the assistance of the social media team. Authorized members should use department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by the Chief of Police or the authorized designee.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by the Administrative Lieutenant prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the Administrative Division.

### 389.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.



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### *Department Use of Social Media*

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

#### **389.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Press Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **389.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Whittier Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate shall promptly report such content to a supervisor. The supervisor will ensure its removal from public view any inappropriate material and investigate the cause of the entry.

# Whittier Police Department

## Whittier PD Policy Manual

### *Department Use of Social Media*

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#### 389.5.1 PUBLIC COMMENT POLICY

By posting or commenting on Whittier Police Department Facebook page, or other WPD social media, those doing so agree to the terms of use of the WPD's social media comment policy as provided herein.

1. As a public entity the Whittier Police Department must abide by certain standards to serve all its constituents in a civil and unbiased manner.

2. The WPD Facebook page is intended to be "family friendly," so comments are to be kept consistent with that objective by following these simple rules. In addition to keeping it family friendly, posting must comply with the guidelines in this policy. Note that the department utilizes Facebook's automatic content filtering feature. All Whittier Police Department social media content is subject to monitoring.

3. Comments containing any of the following inappropriate forms of content shall not be permitted on Whittier Police Department social media sites and are subject to removal and/or restriction by the Public Information Coordinator or his/her designees:

- (a) Comments not related to the original topic, including random or unintelligible comments;
- (b) Profane, obscene, or pornographic content and/or language;
- (c) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;
- (d) Defamatory or personal attacks;
- (e) Threats to any person or organization;
- (f) Comments in support of, or in opposition to, any political campaigns or ballot measures;
- (g) Solicitation of commerce, including but not limited to advertising of any business or product for sale;
- (h) Conduct in violation of any federal, state or local law;
- (i) Encouragement of illegal activity;
- (j) Information that may tend to compromise the safety or security of the public or public systems;
- (k) Content that violates a legal ownership interest, such as a copyright, of any party;
- (l) Harassment or content which constitutes and/or facilitates stalking;
- (m) Content which violates the right to privacy;
- (n) Encouragement of violence;
- (o) Repetitive content;

# Whittier Police Department

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### *Department Use of Social Media*

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(p) Comments which may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers.

(q) Posts or comments that contain any external links.

4. A comment posted by a member of the public on any Whittier Police Department social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Whittier Police Department, nor do such comments necessarily reflect the opinions or policies of the Whittier Police Department.

5. The Whittier Police Department reserves the right to deny access to Whittier Police Department social media sites for any individual, who violates the Whittier Police Department's Social Media Policy, at any time and without prior notice.

6. Comments posted to this page will be monitored and inappropriate content as defined above will be removed as soon as possible and without prior notice. Please note, comments posted to this page are monitored and our Facebook setting will automatically hide a comment if profanity is used within the post.

7. If it is necessary to contact the Whittier Police Department, please call 562-567-9200, or if it is an emergency then call 911 and ask for assistance. While comments posted on the WPD Facebook page are monitored, posting a comment is neither the recommended nor best way to contact the Whittier Police Department.

8. All comments posted to any Whittier Police Department Facebook site are bound by Facebook's Community Standards, located at <http://www.facebook.com/communityst...>, and the Whittier Police Department reserves the right to report any violation of Facebook's Community Standards to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

9. By posting or commenting on Whittier Police Department social media platforms those doing so agree to the terms of use set forth in this policy. Participation is by the choice of those doing so, who must take personal responsibility for their comments, your username and any information provided therein.

#### **389.6 RETENTION OF RECORDS**

The Administration Division Commander ensure that public records generated in the process of social media use are retained in accordance with established laws and records retention schedules.

#### **389.7 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

# Gun Violence Restraining Orders

## 390.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

### 390.1.1 DEFINITIONS

Definitions related to this policy include:

**Gun violence restraining order** - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

## 390.2 POLICY

It is the policy of the Whittier Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

## 390.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

### 390.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a residence that is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns, possesses, or expresses an intent to acquire a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm.

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Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

#### **390.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS**

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

##### **390.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

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#### **390.5 SEARCH WARRANTS**

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant, but not before consultation with the Watch Commander. If the Watch Commander determines a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the current risk assessment process between the detective, the supervisor and the SWAT team. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
  - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

#### **390.6 RECORDS SUPERVISOR RESPONSIBILITIES**

The Records Supervisor is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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#### **390.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS**

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number on form GV-800 (available on the web at [www.courts.ca.gov](http://www.courts.ca.gov)).
- (b) Record the serial number of the firearm.
- (c) Prepare a report and property report with property receipt under PC 18120.
- (d) Provide a copy of the property receipt (standard property receipt used on warrant seizures) to the individual who surrendered the firearms and ammunition--listing all weapons, caliber, make, model and serial number.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

#### **390.8 STORAGE AND RELEASE OF FIREARMS AND AMMUNITION**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

#### **390.9 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Detective Bureau supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

#### **390.10 POLICY AVAILABILITY**

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

#### **390.11 TRAINING**

The Training Coordinator should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

#### **390.12 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
  - 1. A temporary emergency gun violence restraining order.
  - 2. An ex parte gun violence restraining order.

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3. A gun violence restraining order issued after notice and hearing.
4. Renewal orders.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
  1. Whether threats have been made, and if so, whether the threats are credible and specific.
  2. Whether the potential victim is within close proximity.
  3. Whether the person has expressed suicidal tendencies.
  4. Whether the person has access to firearms.
  5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
  6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
  7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
  1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
  2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
  3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
  4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
  5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order (Penal Code § 18108).
- (d) Coordinating with the Training Coordinator to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.



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- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
  - 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear and participate in the evidence presentation process (Penal Code § 18108).
- (h) Coordinating with the Training Coordinator to ensure officers remain current with the following (Penal Code § 18108):
  - 1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).
  - 2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.
- (i) Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).
- (j) Establishing procedures for officers to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### 400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

#### 400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

Any properly trained employee may also complete crime reports as designated.

#### 400.2.2 BULLETIN BOARDS

A briefing clipboard will be kept in the watch commander's office for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing clipboard.

### 400.3 TERRORISM

It is the goal of the Whittier Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to a Terrorism Liaison Officer in a timely fashion.

### 400.4 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

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### *Patrol Function*

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Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

#### **400.4.1 CAMPUS LIAISON**

Whittier College has designated a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

#### **400.5 POLICY**

The Whittier Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

#### **400.6 FUNCTION**

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Whittier/Santa Fe Springs. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.

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- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Whittier Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

### 402.2 POLICY

The Whittier Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

#### **402.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### **402.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### **402.4.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP**

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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

The Professional Standards Bureau Manager and the Records Supervisor or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

#### **402.6 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
  - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other

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available resource used to document contact between officers and the public to ensure compliance with the policy.

1. Supervisors should document these periodic reviews.
  2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **402.7 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

##### **402.7.1 ADDITIONAL STATE REQUIREMENTS**

Training should be conducted as directed by the Training Desk.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).



## Briefing Training

### **404.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### **404.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

### **404.3 RETENTION OF BRIEFING TRAINING RECORDS**

Briefing training bulletins and curriculum shall be forwarded to the Training Coordinator for inclusion in training records, with the appropriate sign-off sheet which each employee will initiate upon completion of the briefing training.

# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 406.2 POLICY

It is the policy of the Whittier Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

## 406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **406.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

#### **406.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

# Neighborhood Watch Program

## 407.1 PURPOSE AND SCOPE

The Administrative Bureau has established a system where the Department will assist a neighborhood in its own program and be supported by the Department. Coordination of the program is the responsibility of the Administrative Bureau.

### 407.1.1 PHILOSOPHY

Neighborhood Watch is a self-help crime prevention program operated by volunteer in citizens. Its purpose is to create an alert neighborhood by teaching simple crime preventative measures and providing both specific and general information concerning crime in each neighborhood.

Neighborhood Watch encourages residents to familiarize themselves with the activities of their neighborhood by knowing who works during the day, which automobiles belong to whom, recognizing people who belong in the area, and noting those who do not.

The Police Department will support the citizens in organizing households into cohesive groups capable of looking out for each family's interests. As described further in this manual section, interested citizens will be selected by fellow neighbors as Block Captain who will run the majority of the program.

Neighborhood Watch inquiries should be directed to the Administrative Bureau where the interested citizen will be contacted and a package, similar to this policy, will be sent to them to help organize the program. The Neighborhood Watch Program will work in conjunction with the current Burglary Prevention Inspections and other public relations

## 407.2 BASIC ELEMENTS OF NEIGHBORHOOD WATCH PROGRAM

The concept of crime prevention is a multi-faceted one which consists of the following primary elements:

- (a) The beat officer
- (b) The citizen
- (c) Education
- (d) Cooperation
- (e) Police officers cannot handle the job of crime prevention by themselves. Police need the help of the entire community, and that is where the citizen comes in.

Most citizens are really not aware of the crime problems we have here in our City, and the only way they may become aware of criminal activity is by becoming a victim themselves, by having a friend who has been victimized, or by reading some newspaper accounts of "crime highlights". Yet, to maximize the effectiveness of the Neighborhood Watch Program, the citizen must know what is happening in his own neighborhood so he or she will know what to look for!

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### *Neighborhood Watch Program*

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This is where "education" comes in. The Police Department must take the lead in this area as they not only have the professional "know-how", but are the only source for the statistical and related information pertaining to their neighborhood. But education really means more than statistics and method-of-operation. It also means the knowledge of what to do to prevent crime in the first place. It means the understanding (at least basically) of our criminal justice system and how it works (or doesn't work). As can be seen, education is, in itself, a big job, but a very important one.

Another element, and possibly the most difficult to realize, is that of citizen cooperation. Like education, cooperation implies a lot of things. It is the one essential ingredient that is absolutely necessary for a successful Neighborhood Watch Program.

Cooperation means that the citizen must be willing to spend the time to acquire the above education, to harden his own target, to be willing to "get involved", not physically, but at least be willing to call the police and report suspicious-looking individuals or incidents in their immediate neighborhood.

#### **407.3 ORGANIZATIONAL STRUCTURE**

- (a) Area or Block Captains
  - 1. Selected by and represent those Neighborhood Watch members in their unit or area. Responsibilities will include:
    - (a) Distribute Neighborhood Watch information and crime related information to Unit members obtained through the Police Liaison
    - (b) Explain program to new and/or uninvolved block members and promote new memberships.
    - (c) Encourage and set up follow-up meetings
    - (d) Encourage Home Security, Operation I.D., training, etc.
    - (e) Aid members in filling out Neighborhood Information Sheets.
- (b) Reporting Districts: The 12-square miles within the City are divided into 190 Reporting Districts. Each Neighborhood Watch Program within the various Reporting Districts will receive an identifying number. For example, in Reporting District #42, one of the first Watch Programs was instituted. That specific Program was designated #42-1; additional Programs in that Reporting District will be numbered accordingly, #42-2, #42-3, etc.
- (c) Police Department Participation
  - (a) All Whittier Police Officers will be expected to solicit and encourage citizen participation in this program.
    - (a) Citizen participation could be urged during routine investigations by Patrol Officers, 1.0. Technicians or Investigators while at the homes of victims or reporting parties.

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### *Neighborhood Watch Program*

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- (b) PSA Commanders will be responsible for Neighborhood Watches in their areas. This will improve coordination and enhance feedback between the Department and the respective neighborhoods.
- (c) To provide the interested citizen with Neighborhood Watch information, Officers will present them with printed material or direct them to the Administrative Bureau for further details and information.
- (d) All Neighborhood Watch information will be available via the Department website.

## Loud Party Responses/Cost Recovery

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for handling neighborhood party complaints and cost recovery service fees for parties as well as curfew violations. Whittier Police Officers respond to numerous calls involving loud parties. Whittier Municipal Code § 9.56.010 et. seq. was enacted by City Council in order to allow the department to recover costs associated with returning to parties where no cooperation was received from those giving the party. A cost recovery fee for actual police personnel and equipment costs will be charged for second and subsequent police responses to a party complaint.

§ 625.5 was added to the Welfare and Institutions Code relating to juveniles on September 27, 1994. This section authorizes the city government to collect a fee for the actual costs of detention and transportation from the minor and his or her parents or legal guardian when the minor is in violation of a local curfew law.

The Whittier City Council enacted Resolution #6555 on November 1, 1994 authorizing the City of Whittier to enforce the provisions of § 625.5 W.I.C.

### 409.2 PARTY CALLS FIRST RESPONSE

Upon initial response to the location, the officer should determine if the activity is a threat to the public peace, health, safety or general welfare of the public.

- (a) If the event is determined to be disorderly and appears to be a valid complaint the responding officer shall:
  1. Contact the Person responsible for the event (property owner, person in charge of the premises and/or the person who organized the event.) If the person responsible is a minor, ascertain the names of the parents or guardians and contact them if possible.
  2. Inform the person responsible of the City Ordinance and advise them that the party poses a threat to the public peace, health, safety or general welfare of the community and they are in violation of the ordinance and they must bring the party into compliance to avoid further criminal and civil action being brought against them.
  3. Issue the "Notice of First Response" to the person responsible and attempt to obtain a signature of the person responsible and advise him that he/she will be billed for a second response and for any further responses within a 24 hour period.
  4. Leave the person responsible with the third page of the "Notice", and turn in the original copy with the sequence number at end of shift.

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- (b) If the person responsible refuses to sign the "Notice", indicate that fact on the signature line and then post the second page of the notice in a conspicuous visible outdoor location near any entrance to the premises.
  - 1. Ask for the cooperation of the person responsible in quieting the disturbance.
- (c) The officer shall indicate in his call disposition the following information for entry into CAD.
  - 1. Exact Address of loud party.
  - 2. Name of person responsible.
  - 3. Whether or not a "Notice of First Response" was issued.
- (d) Officers shall not initiate "First Response" calls without being dispatched by a valid complaint from Communications.
- (e) This is not intended to prohibit officers from pro-active contact with citizens conducting parties to advise them of the restrictions of the Whittier Municipal Code.

#### **409.3 PARTY CALLS SECOND AND SUBSEQUENT CALLS**

- (a) Second and subsequent responses shall be dispatched only upon receipt of a complaint from a citizen and not by mere observation of a patrol officer.
  - 1. Whenever possible, the Communications Dispatcher shall attempt to assign the same officer(s) who handled the first response to any subsequent calls.
  - 2. Loud party calls should not be delayed in the communications room for the sole purpose of waiting for the original officer to clear.
- (b) Upon arrival, the officer should independently note the elements of the complaint and verify it remains a valid complaint. If the complaint is unfounded, no fees will be charged.
- (c) The officer shall then contact the responsible party and complete a "Second Response Notice" and advise the responsible person that he/she will be billed for the second response and for any further responses within a 24 hour period. If the officer is unable to locate the original person responsible, he shall complete the form as if the person refused to sign the notice and leave the violator's copy (pink) in a conspicuous location.
- (d) Officers should then take appropriate action to disperse the party or take criminal action necessary to abate the problem.
- (e) A crime report for violation of 9.56.040 Municipal Code or the appropriate Penal Code sections shall be completed and the "Second Response Notice" attached upon completion.



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1. As the City of Whittier is the victim on these types of crimes, we may respond and complete a report of the incident in the absence of a citizen willing to sign a complaint.

#### **409.4 PARTY CALLS SUPERVISOR'S RESPONSIBILITY**

- (a) Should respond, if possible, on all "Second Response" incidents.
- (b) Should ensure that the proper information is obtained for completion of the "Second Response" form and crime report.
- (c) Ensure that proper action is taken to disperse the party whenever possible.

#### **409.5 PARTY CALLS SERVICES DIVISION RESPONSIBILITY**

- (a) Communications Room
  1. Maintain a list of "First Response Notices" issued during the shift and pass on those locations which fall into the 24 hour period to the next shift.
- (b) Records Bureau
  1. Maintain an appropriate file on all written warnings.
  2. Obtain the First and Second Notices along with copies of the appropriate crime report and completing the cost recovery worksheet.
  3. Forward to the City Controller copies of First and Second Response Notices and the cost recovery worksheet for billing.
  4. Maintain a Cost Recovery File.

#### **409.6 COST RECOVERY**

Refer to Whittier Municipal Code §§ 9.56.010 and 9.56.090.

## Ride-Along Policy

### 411.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### 411.1.1 ELIGIBILITY

The Whittier/Santa Fe Springs Police Department Ride-Along Program is offered to residents, students living in or attending school in Whittier/Santa Fe Springs and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause with the consent of the Patrol Division Commander..

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

- Being under 16 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 411.1.2 AVAILABILITY

Citizens shall be permitted to participate in the Ride-Along Program only after completion of a ride-along application/waiver and approval of the Ride-Along Coordinator and/or the shift supervisor. The signed application/waiver shall be turned into the on-duty supervisor before the participant rides.

### 411.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Public Relations Officer.

Any interested citizen, 16 years or older, may apply as follows:

- (a) An application/waiver may be obtained at the front counter of the Department. Information requested will include a valid ID or California driver's license, address, and telephone number.
- (b) Complete and submit the application/waiver, which will be forwarded to the Public Relations Officer.
  1. The Public Relations Officer will keep those waivers for at least two years.
  2. The Public Relations Officer will keep an active list of all ride alongs each year. That list will be accessible to the Watch Commanders and kept on the "O" drive.
- (c) Citizens shall participate in no more than 1 four hour ride-along within a six-month period.

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- (d) Citizens shall satisfactorily pass a local record check and warrant check.
- (e) If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

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

#### **411.2.1 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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

Ride-along requirements for police cadets are covered in Policy Manual "Police Cadet Program."

#### **411.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### **411.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

#### **411.3.1 RIDE-ALONG PROCEDURES**

- (a) No rider will be allowed to ride between 0200 and 0700 hours unless cleared by a Watch Commander.
- (b) Whenever possible all riders shall stay within or at the police unit until the situation is determined to be Code 4.
- (c) Riders are prohibited from possessing any type of weapon. This includes firearms, chemical agents, knives, stun-guns, or any weapon deemed inappropriate by the on-duty supervisor except as outlined in this policy.

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- (d) Attire for riders shall conform to acceptable standards. The wearing of shorts, tank tops, or other exceptionally informal or provocative attire is prohibited. Shoes shall be worn. Reasonable dress for males shall consist of a sport-shirt with collar and long pants. For females, a dress, skirt and blouse, or long pants and blouse are appropriate.
- (e) An officer assigned a rider has the responsibility to act with due care and shall make every effort to prevent the rider from being placed in a position of danger. In the event the officer elects to leave the rider in an "open" public location while en route to a dangerous call, the officer is responsible for making arrangements to have the rider picked up as soon as possible.
- (f) Whittier Police Department cadets, explorers, chaplains, and employees are exempt from the conditions of section 410.3 and are not required to complete ride-along applications/waivers.
- (g) Officer's spouses, significant others, or individuals they have a dating relationship with, will not be allowed to ride with the officer.
- (h) The Watch Commander or supervisor will designate the officer with whom the individual will ride.

#### 411.3.2 NOTIFICATION OF APPROVAL AND PROCESSING RIDE-ALONGS

After meeting the requirements as listed in this policy the Program Coordinator shall:

- (a) Contact the applicant and schedule the ride or inform the applicant he/she will not be allowed to participate.
- (b) Enter the applicant's name, assigned date, and time on the ride-along log located on the "O" drive.
- (c) Enter the date and time on the application/waiver and forward it to the appropriate shift supervisor.
- (d) Services personnel shall advise the Field Operations shift supervisor of the arrival of a scheduled rider.
- (e) The shift supervisor or Watch Commander will assign the rider to an officer, complete the application/waiver, and forward it to the Coordinator.
- (f) The Cadet supervisor and Explorer supervisor shall coordinate their riders with the Ride-Along Coordinator. The frequency of ride-alongs by Cadets and Explorers shall be established by their supervisors in concurrence with the Field Operations Commander.
- (g) If an officer, relative, or friend from out of the area wishes to participate in the Ride-Along Program, the on-duty shift supervisor may schedule a ride-along. Riders falling under this category must complete and sign a application/waiver and may not ride more than once during a six-month shift rotation. Previously scheduled riders shall

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not be canceled to accommodate an unscheduled rider. The Watch Commander or, in his absence, the on-duty supervisor shall have the final authority in canceling or discontinuing any ride-along.

- (h) No Ride-Along Program participant shall be allowed to otherwise accompany a Whittier Police Officer in a search of a suspect's home or vehicle, unless that participant has a direct police function, such as the purpose of identifying stolen property belonging to the participant.

#### **411.3.3 ARMED RIDE-ALONGS**

Only sworn peace officers authorized by their employing agency to carry firearms off-duty may possess a firearm during a ride-along. Sworn peace officer riders will comply with the ride-along dress code as outlined in this policy. Off duty members of this department or any other law enforcement agency will not be permitted to ride#along with on#duty officers without the expressed consent of the on#duty watch commander. In the event that such a ride#along is permitted, the off #duty employee shall not be considered on#duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. The below protocols will be observed:

- (a) Information will be given out in roll-calls and via a CAD announcement whenever there is an armed rider. This information will include which officer the rider is with, which beat he is on, and a clothing description of the rider.
- (b) Armed ride-along officers should never be assigned to cover or assist in any way unless their own safety or the safety of other officers is in jeopardy.
- (c) Armed ride-along officers should never take the place of back-up from other WPD units.
- (d) Armed ride-along officers' firearms shall be carried concealed on their persons or in a device similar to a fanny pack.

#### **411.4 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 ride-along to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

## Labor/Management Disputes

### 412.1 PURPOSE AND SCOPE

To provide uniform guidelines in order to develop a more sophisticated approach during labor disputes between organized labor and management by Whittier Police Department personnel.

#### 412.1.1 PHILOSOPHY

Negotiations and collective bargaining are legally recognized methods of settling labor disputes. It is not the function of law enforcement to deal with the issues involved; such issues are to be resolved at the bargaining table, where both management and labor are represented. Objectives of law enforcement during a dispute between labor and management are threefold:

- (a) To maintain law and order
- (b) To protect life and liberty
- (c) To protect the civil rights of the general public and all parties to the dispute

### 412.2 DUTIES OF UNIFORM OFFICERS AT DISPUTE LOCATION

- (a) At a dispute location, the duties of uniformed officers are the same as in any other incident requiring police attention. Officers shall maintain a fair and impartial attitude to both labor and management, and avoid expressing any personal opinion concerning the dispute.
- (b) It is law enforcement's responsibility to see that persons desiring to enter or leave a dispute location may do so without unreasonable delay. The decision to cross picket lines rests with the individual entering or leaving the premises. To assure the safety of personnel and vehicular traffic in and out of the dispute location.
- (c) Persons involved in a labor dispute have the right to demonstrate in a legal manner. The issues of the dispute should be of no concern to the officers.
- (d) Officers assigned to a dispute location should impartially document all incidents or changes in situation and relay pertinent information to their supervisors. It is suggested from time to time, that a chronological log be maintained during major dispute situation. A log may be required, and if so, Administrative Bureau will order the same.
- (e) Officers should not enter property under dispute except for official business. To maintain impartiality officers should not park their vehicles on the property, use management's phones, nor fraternize with parties to the dispute.
- (f) At the location of a dispute, both labor and management may have food and beverage available for their personnel. Officers shall not accept food or beverages from labor or management.
- (g) Officers should not, under any circumstances, accept or retain any form of employment from labor or management involved in a dispute.

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#### **412.3 GUIDELINES FOR HANDLING LABOR DISPUTES**

**General:** There is no guaranteed formula for handling labor disputes. No two strikes are alike. There are differences in physical surroundings, type of disputes, types of business, issues involved, composition of striking and non-striking employees and the leadership ability of labor and management officials.

Decisions made by peace officers at the scene of a labor dispute must be based on sound judgment. Any labor and management as to its impartiality and reasonableness. It is primarily of this reason that the law enforcement agency's policies should be explained to both labor and management to eliminate confusion and the cooperation of both labor and management in controlling the demeanor of striking and non-striking employee. It is recommended that each shift of pickets, non-strikers, and management personnel be briefed regarding their conduct during the dispute. In addition, a copy of the General Order should be provided.

Experience has shown that tensions are reduced when an explanation is given to the concerned parties regarding the incident and the resulting police action taken at a dispute location.

#### **Picketing:**

- (a) The right to picket peacefully during the day or night time must be upheld by the police. Picketing is not a violation of the law. If illegal acts result from picketing, corrective police action should have been taken.
- (b) When picketing is conducted in a congested area where pedestrians are deprived of the normal use of sidewalks, the public inconvenience should be brought to the attention of the union official. Peace officers have no legal authority to establish a strike perimeter or limit the number of pickets. A tactful suggestion to use a particular portion of the sidewalk or other public property is usually accepted.
- (c) Law enforcement cannot prohibit use, nor limit the size, of placards carried by the pickets. Union officials have been receptive to suggestions that the size of placards be reasonable to avoid inconvenience to the general public and lessen the possibility that picket signs be used as weapons.
- (d) The general public has a right to the free and immediate use of public sidewalks where picket activity is being conducted. Pickets are pedestrians and, as such, may delay the ingress and egress of persons and vehicles at a strike location. The question to be answered is whether the delay is "reasonable". Since the courts have not defined "reasonable", each incident must be evaluated individually. Any delay which causes a safety hazard should be considered unreasonable.
- (e) In order to establish an obstruction violation on the part of pickets, the intent of the person to enter the location must be shown and the intent of the pickets to prevent the entrance must likewise be evident, either verbally or physically. (§ 647(c) Penal Code)
- (f) Management and union representatives have the right to talk to the driver of a vehicle which approaches the picket line. The driver is not obligated to talk with



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either representative and must decide what course of action to take. During such confrontations, law enforcement personnel should be in a position to prevent violation of the law.

- (g) When it becomes necessary to temporarily open a picket line for the purpose of allowing a vehicle to cross, extreme caution should be exercised. Officers should at all times face the pickets. The use of arm signals to direct vehicles to cross the picket line is usually interpreted as an order to the driver to cross the line. This procedure is to be avoided. It may be beneficial to have a representative of management present during these critical periods to direct vehicles on to their property.
- (h) Officers at the scene of a dispute must be alert and in a position to recognize potential problems. It is possible that alcoholic beverages may be consumed on the picket line or within the struck facility. Union and management officials are generally opposed to such activity as it lessens the ability to control their personnel. Officers shall use their discretion in making an arrest.
- (i) The potential for violence may increase during shift changes. Special attention should be given to picket locations during these critical periods.
- (j) When security personnel are employed by management, it should be suggested that management limit their use to company property. The arming of security should be advised of the liabilities which may be inappropriately or unlawfully.

#### **412.4 INJUNCTIONS**

- (a) An injunction is a Writ or Order of the Court, restraining a person, or group of persons, from doing a particular act. (§ 525 Penal Code) An injunction is a CIVIL PROCESS Injunctions may restrict any of the following:
  - 1. The number of persons of a picket line.
  - 2. The distance to be maintained between pickets.
  - 3. The distance from entrances which must be maintained by striking employees who are not on picket duty.
  - 4. Any other restrictions delineated by the issuing court.
- (b) Violations of an injunction are treated as Contempt of Court. If either party desires legal recourse, such action must be filed in the court of issuance.
- (c) Representatives of labor or management may call an officers attention to violations of the injunction and insist that the injunction be enforced. It is not the duty of law enforcement to enforce an injunction. Exceptions would be if violations of the injunction also violate a provision of the law or the Court order is directed to the Sheriff or Chief of Police by name, ordering the enforcement of the Writ or Order. In this instance, officers hall insure the order is signed by the issuing judge and has the seal of the

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Court affixed. Officers should then advise the violator of the intention to arrest for noncompliance with the Order. Arrests should be made pursuant to § 166(4) Penal Code, if the violations continue.

#### **412.5 ARREST PROCEDURES**

Incidents of a minor nature should be brought to the attention of the union or management official who has supervision over the principal(s) involved parties to exercise self-discipline. Police action should be taken when this procedure fails.

- (a) Minor violations involving the two parties are generally best resolved by an informal hearing with the prosecuting authority.
- (b) Labor and management often agree to withdraw all criminal and civil complaints upon settlement of a labor dispute. For this reason, private persons arrest procedures should be utilized.
- (c) When felonies occur at the scene of a dispute, the crime would be investigated immediately, and, if sufficient probable cause is established, the suspect(s) should be arrested.
- (d) If an officer anticipates an arrest, assistance should be requested. When possible, the request for assistance should be made prior to the officers attempt to take the offending person into custody.
- (e) Once an arrest is accomplished, the person or persons arrested should be removed from the area immediately.
- (f) The Department's mass arrest procedures should be reviewed when labor disputes occur within their jurisdiction.

#### **412.6 COMMONLY USED STATUTES**

The following is a listing of those Penal Code and Vehicle Code sections which may be applicable in connection with labor disputes. This list is not intended to be all inclusive and should not inhibit law enforcement personnel from taking appropriate action should other violations be present. Law enforcement officers engaged in policing labor disputes must be familiar with Penal Code § 552.1, "exemption: Union Activities", which grants specific exemptions to officers and members of a union or any other employee group "for the purpose of carrying on the activities of labor unions or members thereof", and Penal Code § 555.2, "loitering: Labor Dispute", which "does not prohibit picketing in such immediate vicinity (of property posted against trespassing pursuant to Penal Code § 554), or any lawful activity by which the public is informed of the existence of an alleged labor dispute".

The key word to both of these sections is the reference to "lawful activity" on the part of such demonstrators. Once a violation of a specific statute occurs which represent something more than a simple trespass onto the property of another, an arrest for that violation would seem to be appropriate. Examples of this type of conduct are: § 627C Penal Code, "Obstruction of Street,

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Sidewalk, or other Place open to Public" and § 602J Penal Code, "Trespassing; purpose of Injure", which relates to entering property with the intention of interfering with, obstructing, or injuring any lawful business or occupation. These sections require the "willful commission of a trespass", respectively. Successful prosecution of either section requires that violators be advised by the individual making the arrest of the unlawfulness of their activity. If circumstances clearly indicate the presence of malicious and/or willful intent, the court may accept the arrest and subsequent prosecution as meeting the test of reasonableness.

It is strongly recommended that the local prosecuting authority be contacted to determine their policy on the issuance of complaints involving labor disputes. A little groundwork in advance can ensure a much more receptive attitude on the part of the prosecutor if he is familiar with expected problems.

#### Vehicle Code

§ 20001 (a) (1)(2) (b) Hit & Run

§ 21950 (a) Crosswalks, Pedestrians

§ 21954(a) Pedestrian Yield

§ 21955 Jaywalking

§ 21956 Walking on Roadway

§ 23152 (a) & (b) Driving under the Influence

§ 23110(a) Throwing Substance at Vehicle

§ 23112(b) Depositing Rocks or Dirt on Highway

§ 23121 Drinking While Driving

§ 23121,5 Drinking in Motor Vehicle Upon Highway

§ 23122 Possession of Open Container While Driving

§ 23122.5 P Possession of Opened Container in Motor

§ 23123 Storage of Open Container

§ 23123.5 (a) (b) (c) Possession of Opened Container in Motor Vehicle: Under 21

§ 23123.6 Storage of Open Container in Passenger Compartment

#### Penal Code

§ 69 Resisting Officer

§ 148 Resisting, Delaying Interfering with Officer

§ 148.1 False Explosive Report

§ 240 Assault

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§ 242 Battery

§ 245 (a) (b) Assault with Deadly Weapon

§ 403 Disturbance of Public Meeting

§ 494 (a) (b) Riot

§ 404.6 Urging Riot

§ 405 (a) Lynching

§ 406 Rout

§ 407 Unlawful Assembly

§ 409 Remaining Present at Place of Riot

§ 415 (a) (b) (c) Disturbing the Peace

§ 451 (1) (2) (3) Arson of Structure, Forestland, Property

§ 588 (a) Throwing Injurious Substance

§ 588 (b) Breaking down Barrier, Sign or Light on Highway

§ 594 (a) (b) (c) (d) Vandalism

§ 602 Trespassing

§ 647 (c) Obstruction on Street, Sidewalk or Other Place open to Public

§ 647(F) Disorderly Conduct, Drunk

§ 653 (a) (b) (c) (d) Annoying-Threatening Phone Calls

§ 12020 Possession of Concealable Weapon

§ 12025 (a) (b) (c) Carrying Concealed Weapon Within Vehicle/Person

§ 12032 Carrying loaded Firearms

§ 12303.3 Possession of Destructive Devices

#### **412.7 LABOR/MANAGEMENT RELATIONS OFFICER**

The Administrative Bureau has the responsibility of labor Relations. All information concerning pending or ongoing disputes should be forwarded to this Bureau via memo.

##### **412.7.1 DUTIES OF LABOR/MANAGEMENT RELATIONS OFFICER**

- (a) Establish and maintain positive liaison with labor and management representative
- (b) Establish and maintain positive liaison with related governmental agencies
- (c) Assure that crimes evolving from labor/management disputes are investigated promptly and carried to their proper conclusion

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- (d) Gather information regarding pending labor disputes
- (e) Establish and maintain special files
- (f) Assist Department Personnel
- (g) Meet with union and management representatives who are, or may be, involved in a labor dispute
- (h) Assure that picket lines are monitored

# Hazardous Material Response

## 413.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

### 413.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** – A substance which, by its nature, containment, or 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.

## 413.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

## 413.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

#### 413.3.1 SUPERVISOR RESPONSIBILITY

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

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

## Hostage and Barricade Incidents

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 415.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

### 415.2 POLICY

It is the policy of the Whittier Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

#### 415.2.1 ASSISTANCE OF LOS ANGELES COUNTY SHERIFF'S

The Los Angeles County Sheriff's Department, Special Enforcement Bureau will provide assistance in instances requiring Special Weapons Team and/or hostage negotiator deployment. In the absence of SEB availability, the Chief may authorize Whittier SWAT or other SWAT teams to handle the event. This policy will establish a uniform method for the call-out of the SEB Special Weapons and Hostage Negotiation Team.

- (a) The Los Angeles County Sheriff's Department Special Enforcement Bureau should be called upon where our resources are not capable of safely resolving situations. Examples of this include, but are not limited to:
  - 1. Barricaded suspects wherein a felony has occurred and the suspect(s) is believed to be armed.
- (b) A hostage is taken, or where there is reason to believe that a hostage may have been taken.



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- (c) A felony arrest is to be made or warrants are to be served, and the person(s) to be arrested is suspected of being armed and one or more of the following conditions exist:
  - 1. Investigation reveals likelihood of armed resistance.
  - 2. Suspect(s)/occupant(s) have a criminal history of violence.
  - 3. Arrest to be made for violent felony.
  - 4. Location is suspected of containing unusual weapons.
- (d) Authorization to call out Los Angeles County Sheriff's Special Enforcement Bureau shall rest with the Watch Commander and in their absence the Division Commander or Chief.
- (e) The on-duty Watch Commander, after determining the facts and having made the decision that the Special Enforcement Bureau or the Department SWAT team is needed, shall notify the affected Division Commander. If the Division Commander cannot be contacted, then the Chief of police will be notified.

Note: In most situations LASD Special Enforcement Bureau will not make forced entry into a building to effect an arrest without a warrant for the suspect. Therefore it is imperative a warrant is written by Whittier Police Department personnel and signed by a judge as soon as possible after the initial incident. The Los Angeles County Sheriff's Special Enforcement Team should be called upon where our resources are not capable of safely resolving situations. Watch Commanders should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

#### **415.3 COMMUNICATION**

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities until the Los Angeles County Sheriff's Special Enforcement Team arrives. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

##### **415.3.1 EMERGENCY COMMUNICATIONS**

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

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- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

#### **415.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

##### **415.4.1 BARRICADE SITUATION**

Unless the Los Angeles County Sheriff's Special Enforcement Bureau cannot respond or respond promptly, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators, which may include the Department's SWAT team. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Establish a command post out of view and line of fire of the suspect(s), with access to a telephone.
- (c) Assign a handling officer to obtain the necessary information and prepare the proper reports.

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- (d) Contact anyone who can provide information concerning suspect(s), hostages or premises. Make diagram of the building floor plan, if possible.
- (e) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (f) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (g) Provide responding emergency personnel with a safe arrival route to the location.
- (h) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so including adjoining buildings for the safety of the occupants when necessary.
- (i) Establish and maintain a suitable area for any evacuees and notify the Red Cross if necessary.
- (j) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (k) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (l) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (m) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.
- (n) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### 415.4.2 HOSTAGE SITUATION

In the event the Los Angeles County Sheriff's Special Enforcement Bureau cannot respond or respond promptly, Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators, which may include the Department's SWAT team. However, it is understood that hostage situations are dynamic and can require that initial officers react quickly to developing or changing threats. In every situation involving hostages, the safety of the hostage is of paramount concern. Effort should be made to affect the safe release of the hostage and to arrest the suspect. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

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- (b) Establish a command post out of view and line of fire of the suspect(s), with access to a telephone.
- (c) Assign a handling officer to obtain the necessary information and prepare the proper reports.
- (d) Contact anyone who can provide information concerning suspect(s), hostages or premises. Make diagram of the building floor plan, if possible.
- (e) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (f) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (g) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (h) Request additional personnel, resources and equipment as needed (e.g., canine team, air support, paramedics, fire).
- (i) Provide responding emergency personnel with a safe arrival route to the location.
- (j) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so including adjoining buildings for the safety of the occupants.
- (k) Establish and maintain a suitable area for any evacuees and notify the Red Cross if necessary.
- (l) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (m) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (n) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (o) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (p) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.
- (q) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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#### 415.4.3 RESPONSIBILITY OF THE STATION COMMANDER

- (a) Contact Norwalk Sheriff's Station Commander, (562 863-8711. Provide as much information as possible regarding the incident and request an LASD Field Sergeant to act as Liaison.
- (b) The Station Commander shall cause the Whittier police Department Field Supervisor to respond to the scene and will remain at the Command Post after arrival of the Los Angeles Sheriff's Department Special Enforcement Bureau for liaison and supervision of Whittier police Department personnel.

#### 415.4.4 SPECIAL INSTRUCTIONS

- (a) Once the Whittier Police Department Station Commander or Field Supervisor briefs LASD personnel regarding the situation, and the ranking LASD Officer agrees to take charge, LASD shall assume command of the tactical situation, and Whittier Police Department will provide support and assistance. Control of the outer perimeter, Field Command Post security, etc., will remain Whittier Police Department's responsibility.
- (b) Whittier Police Department personnel shall prepare and process all reports connected with the incident.
- (c) Whittier Police Department should process all arrestee's.
- (d) Whittier Police Department shall be responsible for press and news media relations. If LASD has Information Bureau personnel at the location, all efforts should be made to coordinate news releases.

#### **415.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

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1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
  - (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
  - (i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
  - (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
  - (k) Debrief personnel and review documentation as appropriate.

#### **415.6 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Mounted Patrols

### 417.1 PURPOSE AND SCOPE

The mounted patrol unit was established to achieve the objectives of the Whittier Police Department through the promotion of public safety, positive public relations and a commitment to service to the community. The mounted patrol unit will be comprised of sworn and civilian volunteers who are specifically trained to support a variety of police operations as well as community service functions. Utilization of mounted civilian volunteers will be limited to situations commensurate with their training and experience and will be at the discretion of the mounted patrol supervisor or the watch commander.

#### 417.1.1 ADMINISTRATIVE RESPONSIBILITIES

The Mounted Patrol Unit will use their specialized training and equipment to provide support to all divisions and details of the Department as requested in the following areas:

- (a) Utilize proactive enforcement techniques to apprehend persons violating the law
- (b) Establish a highly visible police presence to reduce crime
- (c) Assist with searches for suspects, evidence, and lost or missing persons
- (d) Crowd control at special events, including but not limited to parades, concerts, demonstrations, festivals and other public gatherings
- (e) Reduce the risk of injury to police officers and the public during confrontations resulting from protests and demonstrations
- (f) Provide a police presence during natural disasters where vehicle access is difficult or impractical
- (g) Provide law enforcement presence and services in the wilderness
- (h) Promote positive communications and interaction with the community

#### 417.1.2 CHAIN OF COMMAND

- (a) The Mounted Patrol Unit is placed within the Uniform Division under the command of the Uniform Division Commander
- (b) Operationally, any mounted patrol officer on duty is under the direct supervision of the on-duty Station Commander
- (c) Field Sergeants have functional supervision over any on-duty mounted patrol officer as is necessarily related to the deployment/use of the Mounted Patrol Unit
- (d) The Uniform Division Commander shall appoint a Mounted patrol Unit supervisor
- (e) The Mounted Patrol Unit shall be comprised of regular sworn or Reserve officers of the Whittier Police Department and select civilian volunteers

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#### **417.1.3 PERSONNEL RESPONSIBILITIES**

- (a) The Uniform Division Commander oversees the Mounted Unit activities including budget, personnel selection, and liaison with other divisions.
- (b) The Mounted Unit Supervisor has oversight of the officers assigned to the unit during times when those officers are performing duties related to the mounted unit detail. The Mounted Unit Supervisor shall review all operational requests for the unit and based on approval, shall determine the appropriate personnel and resources needed. The Mounted Unit Supervisor shall be involved in the selection of personnel for the unit. This will include but is not limited to a review of the applicant's qualifications and skills as demonstrated by prior training and field experience as well as past work performance.
- (c) The Mounted Unit supervisor may appoint a squad leader who shall be responsible for carrying out assignments and for the overall safety of other mounted unit members on duty.
- (d) Officers selected to the mounted unit shall be responsible for the exercise, training, and maintenance of their horses. The officer shall advise the Mounted Unit Supervisor of any problems or concerns with the performance of their horses.
- (e) The Training Bureau, and the Mounted Unit Supervisor shall both maintain training records for each unit member and their horse(s).

#### **417.2 OPERATING PROCEDURES**

- (a) All horses assigned for duty with the Whittier Police Department Mounted Patrol Unit shall be purchased and maintained by the individual mounted officer or volunteer.
- (b) Horses to be utilized in the program must meet criteria and standards that are developed by Department. Before sworn officers and horses are used in the field, they must successfully complete a POST approved Basic Equestrian Academy. These standardized courses are offered throughout the State through regional POST certified academies. Civilian volunteers will be required to successfully complete a civilian police or sheriff equestrian support course designed to augment local law enforcement mounted patrol units. The Los Angeles County Parks and Recreation Department offers one such course.
- (c) After completing either the POST Equestrian Academy or the civilian equestrian support course, members of the mounted unit will attend monthly training sessions sponsored by WPD or an outside regional group of law enforcement mounted officers. Outside monthly training will require the approval of the Mounted Unit Supervisor.
- (d) The Patrol Division Commander or his/her designee shall approve all equipment utilized by mounted unit officers.



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- (e) Mounted officers shall be responsible for the proper care and maintenance of all Department equipment issued to them, and for any personally owned equipment that will be utilized in the program.
- (f) A mounted officer and horse will be considered on duty during the following periods:
  - 1. While in transit to and from a departmentally sanctioned event or training session while using the officers personal vehicle or when utilizing a Department vehicle to accomplish the same.
  - 2. During the performance of their assigned duties or designated training.
  - 3. Any training or maintenance that is conducted during those times not designated as department training shall not be considered "on duty".

#### 417.2.1 DEPLOYMENT

- (a) All deployment will be at the discretion of the Uniform Division Commander or his/her designee.
- (b) The Uniform Division Commander or the Mounted Unit Supervisor shall approve all requests for deployment.
- (c) The horse is a tool for the police service and is to be used with the same restraint applicable to any other device to maintain law and order and promote public safety.
- (d) For safety reasons, mounted officers should be deployed in teams of two. Civilian volunteers should not be utilized in actual law enforcement field operations (such as riot control) however they can be utilized as support personnel for search and rescue or public relations situations. The Uniform Division Commander or his/her designee may authorize combinations of sworn and civilian members to be deployed to a specific event (such as a parade or para-police assignment).
- (e) The call out procedure of the mounted unit will be in keeping with established guidelines with the first notification being made the Mounted Unit Supervisor.
- (f) The decision to utilize a particular horse in a specific police operation shall be left to the individual mounted officer utilizing that horse.

#### 417.2.2 SAFETY RULES

- (a) Unit members generally will not position their horse so close to a person sitting or laying on the ground as to constitute a hazard.
- (b) Generally, members of the public should not feed horses. If water is needed it, it should be obtained by or under the direct supervision of the mounted officer to ensure it's purity.

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- (c) When dismounted, the public should not be allowed to come in close proximity to the horse unless the unit member is in such a position to maintain complete control of the animal.
- (d) Horses are not to be left unattended.
- (e) Prisoners will not be led by rope or other device by a mounted unit member.
- (f) Horses will generally not be allowed to graze while on duty.
- (g) Members shall utilize horses at a full gallop only when an emergency exists and due regard is given to the safety and welfare of the horse, rider, and the general public.

#### 417.2.3 HORSE NUISANCE

Members will attempt to prevent horses from defecating or urinating in pedestrian areas. If the situation is unavoidable, the member will immediately remove the manure from the pedestrian area (safety permitting). Placing the manure in organic areas such as planting beds or in plastic bags is acceptable.

#### 417.2.4 REPORTING OF INJURIES

- (a) To civilians:
  - 1. In all instances of known or suspected injuries to members of the public by a mounted unit horse, the on-duty supervisor will be notified immediately and his/her presence will be requested at the location.
  - 2. The Mounted Unit supervisor will also be notified as soon as practical. In all instances, the appropriate documentation (i.e. City injured person report, police injured person report, threshold memo) will be completed including photographs, and recorded statement of witnesses and injured person if possible.
- (b) To an on-duty police horse:
  - 1. Determine the need for medical treatment. In the event of minor injury, first aid should be administered.
  - 2. In the event of debilitating injury or sickness, the on-duty supervisor shall be immediately notified.
  - 3. If possible, the horse will be transported to a large animal veterinarian. If the injury is to the extent the horse cannot be trailered, or if for other reasons this is inappropriate, the veterinarian shall be asked to respond to the scene.
  - 4. A written account as to the extent of injury and how the injury was incurred will be submitted as soon as practical to the Mounted Unit Supervisor. At the discretion of the on-duty supervisor an injury report, damage to City property report may be completed.

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5. The Department will assume financial responsibility for veterinarian services for on-duty horse injuries. Payment for non-reported injuries requiring treatment will be the responsibility of the unit member.

#### 417.2.5 UNAVAILABLE FOR DUTY

In the event a horse is unavailable to be ridden due to injury, sickness, or other circumstance, and no suitable replacement horse is available, the member shall contact the Mounted Unit Supervisor as soon as possible.

#### 417.2.6 CIVILIAN RIDING POLICE HORSES

Members of the general public will generally not be permitted to mount or ride a police horse while the horse is on-duty. Any such requests shall be referred to the Mounted Unit Supervisor.

#### 417.2.7 NON-MOUNTED EMPLOYEES RIDING POLICE HORSES

Generally, employees who are not members of the Mounted Unit shall not ride a police horse while the horse is on-duty. Any such request shall be referred to the Mounted Unit Supervisor.

#### 417.2.8 BEGINNING OF SHIFT

The first 60 minutes of mounted shifts will be used to prepare a horse for duty. This will provide the horse a period to adjust after transport, and will include time for grooming and equipping the horse with tack and saddle.

#### 417.2.9 GROOMING

Due to the high visibility of the Mounted Unit, the need for proper grooming and professional appearance is paramount. Prior to going "on duty", all horses will be either bathed or thoroughly brushed. Horses shall be properly trimmed, with special attention to the bridle path, face, ears and legs. The mane and tail will not be matted or tangled.

### **417.3 SELECTION PROCEDURE**

In order to provide a well-trained and disciplined team, the following process shall be utilized when selecting members for the Mounted Patrol Unit.

#### 417.3.1 APPLICATION-SWORN POLICE OFFICER

Application for a position with the Mounted Patrol Unit will be made by memorandum to the Chief of Police via the Chain of Command. The memorandum shall include any prior or applicable equestrian experience and information describing the horse(s) available to the officer. The Mounted Unit Supervisor and Division Commander will review the qualifications and forward them with recommendation to the Chief of Police.

The selection process may include additional interviews. The Mounted Patrol Unit is not a permanent or full-time assignment. The Chief of Police shall determine the size of the unit based on interest, need and available funding. Officers may remain members of the Mounted Patrol Unit indefinitely, as long as they remain in good performance standing (competent evaluations) within

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their assigned division, and at the discretion of the Chief of Police. Officers assigned to any division may be members of the Mounted Unit.

#### **417.3.2 APPLICATION-CIVILIAN**

Civilians requesting membership in the unit should send their request to the Chief of Police. The applicant will have an oral interview with the Mounted Unit Supervisor and other staff to determine their suitability and skill level. If accepted, the volunteer must complete a background and records check prior to acceptance. The volunteer must successfully complete the required training before appointment to the unit.

#### **417.3.3 MINIMUM CRITERIA**

- (a) Sworn officers must be off probation and in good standing in the division where they are working. Civilians must be of good character and successfully complete all phases of the selection process.
- (b) The prospective member shall have access to or possess a horse that is suitable for the Mounted patrol Unit.
- (c) The prospective member shall have, or be able to attain prior to deployment, suitable horsemanship skills and abilities.

#### **417.3.4 APPOINTMENT PROCEDURE**

After successfully completing the selection process, candidates may be considered "provisional" members of the Mounted Unit while waiting to complete the required POST Mounted Patrol academy or civilian equestrian support course. The candidate will not have official appointment to the unit and may not engage in any official deployment until successfully completing the required training. Upon successful completion of training, members will be considered appointed to the unit. Sworn members will be issued a mounted Patrol Unit uniform pin to be worn on their duty uniform.

### **417.4 SELECTION PROCESS-HORSE**

#### **417.4.1 CRITERIA FOR HORSES**

- (a) Horses selected for the unit must be suitable for use in many varied law enforcement situations. There are no restrictions regarding breeding. Horses must be sound and serviceable, and possess no traits that might present a danger to the public, police officers or other horses. During the selection process emphasis will be placed on temperament, willingness and obedience. Horses must be in good condition and be groomed.
- (b) Prior to field duty, new horses may be required to have a veterinary medical and/or soundness check.
- (c) Horses used by sworn officers must successfully complete a POST approved Mounted Patrol academy generally offered by either the Los Angeles County Sheriff Department or the San Bernardino Sheriff Department. Civilian use horses must successfully

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complete a civilian equestrian police support course. Horses are required to complete an additional 16 hours of in house or regional training and review prior to actual law enforcement deployment.

#### **417.5 TRAINING**

##### **417.5.1 TRAINING ORIENTATION**

- (a) Upon provisional appointment to the Mounted Unit and prior to attending any required equestrian school, members will be required to attend in house or regional training sessions.
- (b) Members of the mounted unit shall attempt to train a minimum of once per month, or more frequently at the discretion of the Mounted Patrol Unit supervisor. Mounted unit members shall attempt to attend all scheduled training sessions. Excessive or frequent missed training sessions may be cause for expulsion from the unit.

##### **417.5.2 TRAINING UNIFORM**

Mounted unit training uniform consists of:

- (a) Authorized Department baseball cap.
- (b) Mounted Patrol Unit logo T-shirt, polo shirt or other appropriate shirt approved by the Mounted Unit Supervisor.
- (c) Western style jeans in blue or black.
- (d) Black or Brown riding boots (athletic type shoes designed specifically for riding in black or brown may also be worn).
- (e) Horses training tack and other appropriate equipment may be provided by the department or the individual officer.

##### **417.5.3 PROFICIENCY TESTS**

All members of the Unit will be subject to proficiency testing prior to joining the detail and will be subject to periodic testing to maintain proficiency while attached to the Unit. Successful completion of the initial POST approved Mounted Patrol or civilian police support course may be accepted for the initial proficiency requirement. Recurring proficiency testing and evaluation shall be conducted in conjunction with regular training sessions sponsored by this Department or in conjunction with a regional training group, or during advanced POST certified Mounted Patrol training courses.

The testing and evaluation will focus on the areas of general riding and equestrian skills, as well as how the horse and rider adapt to law enforcement situations.

- (a) General riding and equestrian skills shall include proficiency in the following:
  - 1. Properly saddle and bridle the horse and inspection of equipment
- (b) Demonstrate an appropriate level of groundwork skills including:

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1. Driving the horse down the rail in both directions including the ability to reverse direction
  2. Backing, moving forward and halting on common
  3. Driving the horse in a circle at a walk and trot
  4. Side-pass in both direction
  5. Pivot on hindquarters and turn on forehand
  6. Flex the horse's head/neck in both direction
  7. Mount the horse properly
  8. Ride the horse around the arena at the walk, trot, and lope on common
  9. Demonstrate a controlled halt from any requested gait
  10. Demonstrate a "one rein stop" emergency maneuver
  11. Ride the horse to the center of the arena and stop him smartly
  12. Mount and dismount the horse from the off side
  13. Ride double
  14. Walk forward and back through an "L"
  15. Side-pass the horse five yards to the left, stop, side-pass back five yards to the Right
  16. Demonstrate a 360-degree turn on the forehand and haunches
  17. Lead the horse to the rail or any appropriate designated area and tie him correctly
- (c) Specialized law enforcement skills test/evaluation for sworn Sensory gauntlet including but not limited to the following:
1. Noises of all types
  2. Sign and flag distraction, flapping materials, etc.
  3. Balloons
  4. Plastic or cloth overhead obstacles
  5. Walkovers, tarps, poles, other appropriate obstacles
  6. Firecrackers and other loud distractions
- (d) Handgun firing
1. Firing a handgun in the presence of the horse
  2. Mounted rider firing a handgun

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- (e) Police emergency equipment
  - 1. Flashing lights
  - 2. Siren
  - 3. Smoke grenades
  - 4. Use of phosphorus flares
- (f) Horse baton
  - 1. Swinging the horse baton while mounted
  - 2. Hitting solid objects

#### **417.5.4 TACTICAL FORMATIONS FOR SWORN MEMBERS**

Recent tactics in controlling civil demonstrations have placed an emphasis on mounted officers functioning in disciplined squads. Teamwork is paramount to successfully handling groups of hostile and friendly people. All members of the Mounted Patrol Unit must be calm, composed, maintain self-control and not become involved personally with individuals or groups during crowd control situations. Formation training will be conducted at monthly training sessions to ensure a high degree of readiness in this area.

#### **417.5.5 HORSE BATON FOR SWORN MEMBERS**

The 40-inch horse baton is the approved baton for sworn members of the Mounted Patrol Unit. Each member will comply with the Department's use of force policy when utilizing the horse baton in a law enforcement situation. The Mounted Patrol Supervisor will ensure that each Unit member maintains an acceptable level of proficiency with the horse baton.

#### **417.6 EQUIPMENT**

Upon appointment to the Mounted Patrol Unit, the Department will issue a voucher to obtain the following equipment. Civilian volunteers will need the designated items:

- (a) Whittier PD saddle pad with WPD patch. (civilian)
- (b) Whittier PD headstall/halter combination.
- (c) One set of (4) "easy boots" for horse.
- (d) One set of navy blue wraps. (civilian)
- (e) 40-inch horse baton with holder/ring.
- (f) One set of reflective wraps for nighttime deployment (civilian)
- (g) Whittier PO saddle bags/cantle bag.
- (h) Bicycle type strobe for nighttime deployment.
- (i) Leather breast collar with Department badge. (civilian).
- (j) One pair of "class A" breeches.

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- (k) One pair of "class A" riding boots.
- (l) One black Stetson type hat.
- (m) One "class B" BDU uniform shirt (polo shirt) with Mounted Patrol Unit insignia. (civilians will have volunteer polo shirts and black basket weave belts).

#### **417.6.1 EMPLOYEE PROVIDED EQUIPMENT**

Each Unit member will provide the following equipment:

- (a) Clean and usable western saddle in dark leather color (saddle must fit both horse and rider and have the back cinch removed). Certain other types of dark leather saddles may be used (Australian stock, officer type dressage, endurance saddles, etc) with the approval of the Mounted Patrol Unit supervisor.
- (b) Cinch and all fittings for the saddle.
- (c) Saddle pad for training and an "under pad" for deployment.
- (d) Training breast collar and training headstall (Department issued "dress" breast collar and headstall shall not be used for training purposes).
- (e) Reins, lead rope and training halter.
- (f) Training uniform and "class B" uniform.

#### **417.7 MOUNTED PATROL DEPLOYMENT UNIFORM**

The "class A" uniform for sworn Mounted Patrol members shall be:

- (a) Short or long sleeve uniform shirt worn as per Departmental uniform regulations. Long sleeve and ties will be required for formal details.
- (b) Uniform jacket as per Departmental uniform standards as required.
- (c) Navy blue breeches.
- (d) Black English field boots.
- (e) Departmental "Sam Browne" belt with standard Department equipment (Web nylon or leather may be worn however for formal events/details leather will be required).
- (f) Black Stetson style hat.
- (g) Black leather riding gloves (as needed).

#### **417.7.1 CLASS B UNIFORM**

The "Class B" uniform for sworn and civilian members shall be:

- (a) Appropriate uniform shirt, "utility" uniform shirt or "polo" style shirt. The "class B" uniform shirt will be determined by the Mounted Unit supervisor depending on the nature of the detail.
- (b) Black, "Wrangler" type western jeans.



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- (c) Black, low heel, "Roper" style western boots.
- (d) Departmental "Sam Browne" belt for sworn members with standard equipment (either leather or nylon web style). Civilians will wear black basket weave belt.
- (e) Headgear as designated by the Mounted Unit supervisor (western hat or baseball type cap).
- (f) Uniform jacket per Departmental specifications as needed.
- (g) Black leather riding gloves as needed.

Maintaining uniform, tack and equipment is the responsibility of the officer to whom it has been issued. Due to the high visibility of the assignment, all issued equipment shall be kept clean and in good repair.

## Response to Bomb Calls

### **416.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to assist members of the Whittier Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### **416.2 POLICY**

It is the policy of the Whittier Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### **416.3 RECEIPT OF BOMB THREAT**

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### **416.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

#### **416.4.1 WHITTIER POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Whittier Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### **416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Whittier Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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#### **416.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### **416.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of Whittier/Santa Fe Springs, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

##### **416.5.1 ASSISTANCE**

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **416.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
  - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

#### **416.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **416.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### **416.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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#### 416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

#### 416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

# Mental Illness Commitments

## 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

## 418.2 POLICY

It is the policy of the Whittier Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

## 418.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

### 418.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for a 5150 commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission in the CAD call.
- (d) If it is a voluntary 72-hour admittance and weapons were seized, a report shall be generated and the appropriate department 5150 seizure of weapons and receipt will be completed. A copy of the form will be left with the voluntary 5150 and the original included in the report.

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#### **418.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

##### **418.4.1 SECURING OF PROPERTY**

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

#### **418.5 TRANSPORTATION**

When transporting any individual for a 5150 commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

#### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should



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provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **418.7 DOCUMENTATION**

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report. Mental health detentions shall be documented and when weapons are seized the department weapons seizure receipt will be completed with a copy given to the detainee and the original included in the 5150 report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

##### **418.7.1 ADVISEMENT**

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

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#### **418.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institute § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized on the department 5150 firearm seizure form, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy). A copy of the form shall be left with the individual and the original placed with the 5150 report.

##### **418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS**

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau, which shall be responsible for

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initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

## Cite and Release Policy

### 420.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

### 420.2 POLICY

It is the policy of the Whittier Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

### 420.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6). The officer shall include in the CAD call disposition the citation number, last name, first name, DOB, citation charge or "warrant."

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

#### 420.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

#### 420.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

#### 420.3.3 BOOKING LIMITATIONS

- (a) Traffic Warrants

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1. No person will be booked on foreign traffic warrants where the bail or combined bail is less than \$50,000.
  2. No person will be booked on foreign traffic warrants where the bail or combined bail is \$50,000 or more where the agency or agencies that have jurisdiction for the warrant are unwilling to recover the person from our custody.
  3. Traffic warrants that do not comply with 420.3.6(a)1 or 2 should not be accepted for jail booking unless authorized by the Watch Commander.
- (b) Criminal Warrants:
1. Subjects of foreign criminal warrants less than \$50,000 will not be booked into the Whittier/Santa Fe Springs Police Department Jail unless the criminal section listed on the warrant(s) include those listed in 420.4 of this policy, domestic violence (misdemeanor or felony), sex related criminal charges (misdemeanor or felony) has "No-Bail," or unless otherwise authorized by the Watch Commander.
  2. Criminal Warrants from other jurisdiction(s) over \$50,000, that do not comply with (b)1 above, should not be accepted for jail booking unless the agency having jurisdiction over the warrant is willing to take custody and pick up the person being arrested or unless authorized by the Watch Commander.
  3. If a warrant qualifies for booking in our jail, officers or dispatchers must contact the issuing agency regarding the warrant and confirm their intent to pick up the person from our custody.
  4. Field officers shall issue citation(s) in the field in cases where the other jurisdiction(s) does not accept the person.
  5. Jailers will issue citation(s) in cases of multiple warrants subject to Penal Code § 827.1.
- (c) Citation releases should not be used when a detained juvenile has three or more entries on his JAI record or when the juvenile is on active probation.
- (d) All citations for traffic infractions for juveniles (youth under the age of 18) shall be cited into Bellflower Superior Court with at least 60 days from the date of the violation.

#### **420.4 NON-RELEASE**

##### **420.4.1 DISQUALIFYING OFFENSES**

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

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- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

#### 420.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
  - 1. Previous failure to appear is on record
  - 2. The person lacks ties to the area, such as a residence, job, or family

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3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
  - (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
  - (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

#### **420.5 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

#### **420.6 JUVENILE CITATIONS**

##### **TRAFFIC CITATIONS:**

All traffic infractions issued to minors, where there is NO other violation, except the infraction listed on the citation, are to be sent to the local adult traffic court (Bellflower Court) for handling. The citation given to a minor should indicate the date, time and location for the appearance.

##### **TRAFFIC MISDEMEANORS:**

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§256 of the Welfare and Institutions code provides that "any violation of the Vehicle Code not declared to be a "felony" should be cited on a regular traffic form and sent to the Informal Juvenile and Traffic Court (i.e. 12500 (A) V.C. or 14601.1 V.C.). Since the Informal Juvenile and Traffic Court closed in 2012, all such citations should be sent to the citation Diversion Program at 6640 Van Nuys Blvd #200, Van Nuys, CA 91405. With the exception of traffic infractions noted above all other vehicle code misdemeanor violations can be sent to the Probation Department in Van Nuys. This would include the following most common sections such as: §31, §2800, §2801, §4461, §10851, §12500, §12951, §13004, §14601, §14601.1, §20002(a), §21200.5 (DUI Bike), §22520.5, §23103, §23104, §23109(a), §23109(b), §23110(a), §23136, §23140, §23222, §23224(b), §23253, §38316, §38317.

#### OTHER VIOLATIONS:

The following is a list of violations other than Vehicle Codes that can be cited to the Probation Department using a regular citation form. The citation should only reflect "TO BE NOTIFIED BY PROBATION" and no date for appearance should be added. Otherwise all detained petitions and citeouts from the station should go to Los Padrinos on an LP Cite.

#### Penal Code:

303a -loitering to beg alcohol

308(b)-possession of smoking paraphernalia

330-illicit gaming

369 I -Tresspassing on railroad property

402-Interference at a traffic accident

374.3 & 374.4 Littering

415.1-Disturbing the peace (fighting)

485-Keeping lost property

490.1 -Petty theft less than \$50

502 (c)(6),(7), or (8)-computer access

555.2-Loitering on posted property

555-Trespass on posted property

594(a)(1)-Vandalism with liquid or paint

594.1-Possession or aerosol paint

602(m)-Driving on private property w/o permission

602.6-Entry/loitering on closed fair grounds

647(f)-Drunk in public



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647(h)-Loitering on private property

Business and Professions Code

25658-Minor consuming alcohol

25658.5-Minor attempts to purchase alcohol

25661-Use of false ID

25662-Minor possessing alcohol

Health and Safety

11357(b)-Marijuana-infraction

11532(a)-Loiter as lookout or sell narcotics

Municipal Code-Any Violation that involves loitering

#### **420.7 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

# Foreign Diplomatic and Consular Representatives

## 422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Whittier Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 422.2 POLICY

The Whittier Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers
  - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

#### **422.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **422.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

### 424.2 POLICY

The Whittier Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

#### **424.3.1 RESPONSE TO SCHOOL THREATS**

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

#### **424.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **424.5 PLANNING**

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### **424.6 TRAINING**

The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



## Body Worn Cameras (BWC)

### 425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable Body Worn Cameras (BWCs) by members of this department while in the performance of their duties.

This policy does not apply to non-BWC evidence, including other methods of audio or video recordings, interviews, or interrogations conducted at any Whittier Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

### 425.2 POLICY

It is the policy of this department that an audio-visual recording shall be made by every employee who has been issued a BWC and during all designated contacts with community members.

BWC system will be used in compliance with the manufacturer's operational guidelines, Department training, and this policy.

The Whittier Police Department recognizes that video recording of contacts between department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts, which can enhance criminal prosecutions, limit civil liability, increase transparency, and enhance professionalism in the delivery of police services to the community. A video recording of an event or contact also enables the delivery of timely, relevant, and appropriate training to maximize safety for both community members and WPD personnel.

While recordings obtained from BWCs provide an objective record of events, it is understood that video recordings do not necessarily capture all events, activities, and information, or reflect the full experience of the individual member(s) in each incident. Moreover, the recordings, especially videos, have limitations and may depict events differently than the events as perceived and recalled by the involved member. Specifically, it is understood that the BWC will capture information that may not have been seen and/or heard by the involved member and that the involved member may see and hear information that may not have been captured by the BWC.

### 425.3 DEFINITIONS

**Activate:** When the BWC is turned on and actively recording video and audio of an event.

**Body Worn Camera (BWC):** A mobile audio and video capture device that is worn on an employee's person to record what is seen and heard. A BWC does not include surreptitious recording devices used in investigative and undercover operations.

**BWC Coordinator:** The Administrative Lieutenant or his/her designee is responsible for coordinating and maintaining the BWC program.

**Critical Incidents:** For the purposes of this policy, critical incidents are those involving:

- (a) The use of deadly force by a department employee.

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- (b) The use of force by a department employee resulting in serious bodily injury or death.

**Deactivation:** The active audio and video recording session ends when the BWC is placed in deactivation mode.

**Malfunction:** When the BWC is not functioning properly after an attempt to reboot.

**Power-Off Mode:** This mode is achieved when the camera shutdown process has been initiated and ends when the device is fully powered off. During this process, the camera buttons will not function.

**Pre-Activation Buffer:** A one-minute video-only recording captured while in standby mode and preserved when the BWC is activated.

**Standby Mode:** The mode in which the BWC is turned on but not actively recording audio of an event.

**Buffering Mode:** this is when a BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record only video in 60-second loops.

**Event Mode:** this is when the Event button is activated. The BWC saves the buffered video from 60-seconds prior to pressing the button (video only) and continues recording video as well as audio for up to twelve hours. Repeated pressing of the Event button turns the recording on and off and creates separate media segments.

#### **425.4 CONFIDENTIALITY AND PROPER USE OF RECORDINGS**

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of the ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

BWC use is limited to enforcement and investigative activities involving members of the public.

The BWC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, training, civil litigation, and other proceedings protected by confidentiality laws and department policy. Improper use or release of BWC recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded and is prohibited.

#### **425.5 MEMBER RESPONSIBILITIES**

Prior to going into service, each uniformed member who is assigned to wear a BWC will be responsible for making sure that he or she is equipped with a BWC issued by the department, and that the BWC is in good working order by inspecting and testing the BWC. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/ her supervisor to permit the supervisor or other department employee to provide the member with a functioning BWC as soon as practicable. Uniformed

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members shall wear the recorder above the belt line and forward facing, to provide a generally unobstructed camera view of contacts between members of the public and department members.

Members lawfully engaged in their duties are not required to obtain consent from, or give notice to members of the public, prior to recording with their BWC. Upon the approval of the Chief of Police, or his/her designee, non-uniformed members lawfully engaged in their duties as police officers, may use an approved BWC.

Members are required to document the existence of a recording in any report or other official record of the contact, such as a CAD entry, including any instance where the member is aware that the BWC malfunctioned, or the member deactivated the recording. In the event activity outlined in section 425.11 is not captured in whole or in part, the member shall notify a supervisor and document this and explain in their report their understanding, if any, of why the footage was not captured in the recording.

#### 425.5.1 OFFICER SAFETY

Officer safety takes precedence over recording events. Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

#### 425.5.2 GENERAL

- (a) Only authorized personnel shall use or be in possession of a BWC device.
- (b) BWC equipment is for official use only and shall not be utilized for personal use.
- (c) Officers shall not tamper with or dismantle any hardware or software component of any BWC device.
- (d) The use of any other personal recording device for the same purpose is not authorized, without permission of the Chief of Police or designee.
- (e) All digital evidence collected using the BWC is considered a Whittier Police Department record and is for official use only.
- (f) Accessing, copying, forwarding, or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or his/ her designee.
- (g) Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone, or other to record or capture digital evidence from the WPD data storage environment is strictly prohibited.

#### 425.5.3 PRE-SHIFT INSPECTION

- (a) Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.

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- (b) Visual damage shall be immediately reported to a supervisor upon discovery.
- (c) Inoperable equipment shall be tagged and returned to Personnel and Training as soon as possible.

#### 425.5.4 EQUIPMENT REPAIR, REPLACEMENT, AND MAINTENANCE

- (a) When a BWC malfunctions, the officer will notify his or her supervisor and the Administrative Division.
- (b) The officer will note the nature of the malfunction in their notification.
- (c) The inoperable equipment will be taken to the Administrative Division for repair as soon as possible.
- (d) If the Administration Division cannot repair the unit, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional BWC equipment are coordinated through the Administration Division and performed through an authorized service provider.
- (e) This procedure will be followed for all BWC-related equipment and accessories.

#### 425.6 NON-UNIFORMED SWORN PERSONNEL RESPONSIBILITIES

Any sworn employee assigned to a non-uniformed position may carry and activate a BWC at any time the employee believes such a device may be beneficial to the situation.

All non-uniformed sworn employees who are executing planned enforcement activities, such as serving a search or arrest warrant or parole/probation searches, shall be equipped with a BWC.

Non-uniformed employees shall be responsible for tagging and uploading their digital recordings in the same manner as described above for uniformed officers.

Field training officers who are wearing civilian clothing during the final phase of training are required to wear a BWC.

#### 425.7 COORDINATOR

The Chief of Police or his/her designee, shall appoint a member of the department to coordinate the use and maintenance of BWCs and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for uploading, storing, and securing recordings.
- (b) Designating persons responsible for uploading recorded data.
- (c) Establishing a maintenance system to ensure the availability of BWCs.
- (d) Establishing a system for redacting, tagging, and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting, and copying recordings and ensure chain of custody integrity.
- (f) Working with the City Attorney's office to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

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- (g) Maintaining an audit trail record for all access to evidence files, wherein access information for each evidence file is logged through the use of a secure log-in system.

The department's storage system associates an audit trail record with each evidence file, thereby logging the date, time, username, activity, and client IP address occurring during each evidence file access.

#### **425.8 TRANSFER PROCEDURES**

Members shall dock their issued BWCs for automated upload of data files daily, by the end of the work shift, any time the member is aware that the storage capacity of the BWC is nearing its limit, or when directed by a supervisor, to ensure the timely transfer of data. In circumstances when the officer cannot complete this task, the officer's supervisor shall immediately take custody of the BWC and be responsible for uploading the data. This procedure will ensure that storage capacity is not exceeded within the device and to view uploaded audio/video files for report writing.

Members are prohibited from intentionally erasing, altering, reusing, modifying, or tampering with original audio-video recordings. Members may request a restriction and subsequent deletion of an accidental recording.

#### **425.9 TRAINING REQUIRED**

Officers who are assigned BWCs must complete department-approved training in the proper use and maintenance of the devices before deploying to the field.

As part of a continual improvement process, a regular review should be conducted by WPD staff of the training on this policy and the related use of BWCs under this policy.

#### **425.10 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers assigned to any unit with BWC devices shall:

- (a) Ensure that all BWC equipment is operational.
- (b) Ensure officers upload all BWC recordings at the end of each shift.
- (c) Review relevant BWC recordings prior to submitting any administrative reports (e.g. non-categorical use of force investigations, pursuits, officer-involved traffic collisions).
- (d) Supervisors should take custody of a BWC device used by a member as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death, or other serious incidents, and ensure the data is downloaded (Penal Code § 832.18).

#### **425.11 ACTIVATION OF THE BWC**

This policy is not intended to describe every possible situation in which the BWC should be used. Members shall activate the BWC as required by this policy in (a)-(f) below and may activate the BWC at any time the member believes it would be appropriate or valuable to record an incident within the limits of privacy described herein.

The BWC shall be activated in any of the following situations:

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- (a) All in-person enforcement and investigative contacts, including pedestrian stops, calls for service, report calls, field interview (FI) situations, and flag-down situations.
- (b) Traffic stops include, but are not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops.
- (c) Self-initiated field contacts in which a member would normally notify dispatch.
- (d) Any search activity, including the service of search or arrest warrants, probation, parole, or consent searches where the member is seeking evidence of an offense, or conducting a safety sweep or community caretaking sweep of the premises. During a search of a premises, once a location has been secured, and the member is not interacting with detainees or arrestees, the member may mute their BWC audio when conducting a search for evidence.
- (e) Any other contact that the member determines has become adversarial after the initial contact in a situation where the member would not otherwise activate BWC recording.
- (f) Transporting any detained or arrested person and where a member facilitates entry into or out of a vehicle, or any time the member expects to have physical contact with that person.
- (g) When responding with lights and sirens (code-3).

At no time is a member expected to jeopardize his or her safety in order to activate a BWC. The BWC should be activated by members in anticipation of the situations described above, and in any unanticipated, rapidly unfolding situation where activation becomes required as soon as the member can do so safely.

Members should activate their BWC when conducting custodial interviews unless there are other recording devices being used. Members shall document and explain in their report the reason for not recording custodial interviews, should a BWC be de-activated while conducting a custodial interview or interrogation.

#### **425.12 CESSATION OF RECORDING**

Once activated, the member may mute or deactivate their BWC at any time based on their discretion, in the following circumstances:

- (a) BWCs shall not be used to record non-work related activity.
- (b) BWC shall not be used to record in areas or activities such as pre-shift conferences, Department locker rooms, break rooms, coffee breaks, meal breaks (Code 7), members' private vehicles, or other activities not related to a criminal investigation. However, if during these aforementioned activities, circumstances necessitate police intervention, the BWC shall be activated.
- (c) BWCs shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms unless such presence is directly relevant to the criminal investigation.
- (d) When possible, members should avoid recording exposed areas of the body that could cause embarrassment or humiliation, unless such a condition is directly relevant to the criminal investigation.

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- (e) Discussion of tactical or confidential information with other law enforcement personnel.
- (f) In the member's judgment, a recording would interfere with his or her ability to conduct an investigation.
- (g) If it is necessary to discuss issues or concerns with an employee, supervisor, doctor, nurse, or paramedic in private.
- (h) Patient Privacy
  - 1. Members should not record patients during medical or psychological evaluations by a clinician or similar professional or during treatment. Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
  - 2. Members should not record while in a facility whose primary purpose is to provide psychiatric services unless responding to a radio call involving a suspect who is still present.
- (i) Members should not record informal or casual encounters with members of the public. Informal community interactions differ from "consensual encounters," in which members make an effort to develop reasonable suspicion to detain or probable cause to arrest. To strengthen relationships between police and citizens, members may use discretion regarding the recording of informal, non-enforcement-related interactions with members of the community. Members should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.
- (j) Generally, strip searches shall not be recorded.

#### 425.12.1 DEACTIVATION OF RECORDING

Once the body-worn camera is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, the conclusion of an incident has occurred when all citations have been issued, all arrests have been made, arrestees have been removed from the scene or situation, and all witnesses, victims, etc., have been interviewed. The body-worn camera shall be activated when transporting all persons, including prisoners, and shall remain on until the transportation is completed. Recording may cease if a member is simply waiting for a tow truck or other similar situation.

Communication between law enforcement personnel outside the presence of any member of the public need not be recorded, provided, however, that the body camera shall be immediately reactivated upon any public contact.

Decisions regarding the reason for muting or BWC deactivation shall be noted on the recording or otherwise documented if they do not fall within the parameters listed above.

Members shall cease audio/video recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor, or physician unless there is explicit consent from all parties to the conversation. This does not apply to conversations with paramedics or EMTs during their response at a scene and during transport.

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#### 425.12.2 EXPLOSIVE DEVICE

Many portable recorders, including BWCs and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

Members believing that the use of a BWC may detonate an explosive device may deactivate their BWC in such cases.

#### 425.13 ACTIVATION IN CROWD CONTROL SITUATIONS

During crowd control, protest, or mass arrest incidents, members shall use their BWCs consistent with this policy, or when directed by the incident commander. The incident commander shall document his or her orders to activate in an appropriate report (e.g., Operations Plan or After-Action Report).

Video recording of individuals who are picketing or engaged in peaceful protest will be avoided unless the officer believes a violation of criminal law is occurring, may occur, or if the officer interacts with a participant or third party to the event, or a participant or third-party initiates contact with the member.

#### 425.14 VICTIMS AND WITNESSES OF CRIMES; INFORMANTS

In the event that an officer has the opportunity to record interviews of victims and witnesses of crimes, they shall consider the following:

- (a) Witnesses: If a crime witness or a community member wishes to report or discuss criminal activity anonymously, officers have the discretion to not record. Members may offer to avert their cameras to capture only audio during the interview when doing so would facilitate obtaining the witness's recorded statement.
- (b) Victims: Upon request by the victim, officers have the discretion to not record the interview. Members may offer to avert their cameras to capture only audio during the interview when doing so would facilitate obtaining the victim's recorded statement.
- (c) Informants: Members shall not activate their recorders when conducting an interview or engaging in a conversation with a confidential informant unless needed as evidence.

In cases where a victim or witness requests not to be recorded, and the member agrees not to record, members should record their request prior to turning the camera off. When a member is already recording, the member shall record their explanation for turning the camera off prior to doing so.

1. Domestic Violence Victims: Members should attempt to record interviews of domestic violence victims to facilitate future prosecution efforts and discourage later recanting of statements. Members should also record interviews with children who witness domestic violence when the child is willing.

2. Child Abuse and Sexual Assault Victims: Members shall have the discretion to record, absent any request to not record the interview by victims, witnesses, or non-suspect parents of victims, during child abuse and/or sexual assault investigations.



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Members have no obligation to advise a victim or witness that he or she is being recorded but may do so at their discretion. When a victim or witness requests they not be recorded, members may consider their request (See Penal Code 632).

Members shall remain sensitive to the dignity of all individuals being recorded and exercise discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy concerns may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy concerns are no longer at issue unless the member determines that the circumstances no longer fit the criteria for recording.

#### **425.15 SURREPTITIOUS USE OF THE BWC**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without:

- (a) Expressed knowledge and consent of all parties.
- (b) A court order unless lawfully authorized by the Chief of Police or his/her designee.

#### **425.16 PROHIBITED USE OF BWC**

Employees shall not review, access, use, release, obtain, or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- (a) Making personal copies of official recordings.
- (b) Re-recording videos with a personal device.
- (c) The posting or sharing of official video and/or audio to any non-department-sponsored social networking or website.
- (d) The posting of recordings on any department-sponsored website without express permission from the Chief of Police or his/her designee (any video posted on a department-sponsored social media or another website will thereafter be considered public information); and
- (e) Taking any action that would result in altering or deleting the content of any recording, except as directed to request removal pursuant to 425.20 UNINTENDED OR ACCIDENTAL RECORDINGS

Penal Code §141 makes it a felony for any police officer to knowingly, willfully, intentionally, and/or wrongfully alter or modify any digital image or recording with the intent to cause any person to be charged with a crime. Violation(s) shall result in departmental disciplinary action.

Members may not use personally owned recorders (e.g., personal cell phones) to document contacts unless exigent circumstances warrant using personally owned recording devices. Regardless, if a member is using a department-issued BWC, and/or another recording device, members shall comply with the provisions of this policy, including retention and release

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requirements. In every event where members use any recording device aside from or in addition to their department-issued BWC, the member shall document and explain the use and the exigent circumstance in their police report (e.g., the BWC failed, and evidence needed to be captured at that moment in time).

Recordings shall not be used by any member for the purpose of embarrassment, intimidation, or ridicule.

#### **425.17 VIDEO MEDIA STORAGE AND RETENTION**

BWC recordings will be uploaded automatically via secure access points at the Police Department. Video files will be retained according to the following retention schedule:

Category	Retention/Duration
Non-evidence	1 year
Detention/Arrest	2 years minimum plus disposition of criminal case
Use of Force	15 years
Formal or informal complaint against an employee or agency	5 years
Critical incidents (OIS, in-custody death)	Permanent
Homicide	Permanent
Records or logs of access and deletion of data	Permanent

Recordings may be retained for longer as required by law or statute.

Recordings containing evidence that may be relevant to criminal prosecution should be retained for any additional period required by law for other evidence relevant to criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 1 year.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code§ 832.18).

#### **425.18 90-DAY TRANSITION PERIOD**

During the first 90 days a member is assigned a BWC, following completion of training, unintentional deviations in policy and procedure in the use and deployment of a BWC will be considered training issues. During the transition period, Department employees should receive non-documented counseling and training only.

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Note: This does not apply to intentional acts to circumvent Department policy and procedure, such as intentionally not activating a BWC when required, intentionally de-activating a BWC prior to the completion of an incident, or disabling or tampering with a BWC. Such acts will not be considered a training issue within the 90-day transition period.

#### **425.19 UNINTENDED OR ACCIDENTAL RECORDINGS - REQUEST FOR RESTRICTION**

In the event of an accidental or sensitive personal recording of non-departmental business activity, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be restricted pending 60-day deletion by submitting an email request via their chain of command to the Administration Division Lieutenant. The Administration Division Lieutenant will approve or deny the restriction request. In cases where the request is denied, an appeal may be submitted to the Chief of Police, or his/her designee, for restriction authorization. In all cases of restriction requests, a determination should be made within 30 calendar days. The determination by the Chief of Police will be final.

#### **425.20 REVIEW OF RECORDINGS BY A MEMBER**

All recording media, recorded images, and audio recordings are the property of the Whittier Police Department. Absent authorization from the Chief of Police or designee, dissemination of any Department BWC recordings outside of the agency is strictly prohibited except in accordance with a valid court order or existing law. The Chief of Police has the discretion to allow the viewing or release of recorded files if the Chief determines it is in the best interest of the Police Department or the City of Whittier. When appropriate, every effort will be made to notify involved employees prior to release.

Digital evidence captured by the BWC is not all-inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers may review digital evidence prior to completing reports when necessary to ensure accuracy. Officers may review digital evidence prior to providing voluntary statements during critical incident investigations. Officers shall review digital evidence prior to providing testimony at hearings, trials, or depositions. Members are authorized to review their own BWC video files at any time in furtherance of official business and/or have a vested interest in the case or video.

Members shall not retain personal copies of recordings.

Members shall not use the fact that a recording was made as a reason to write a less detailed report.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements, except for situations outlined in section 425.22
- (b) By a supervisor investigating a specific act of officer conduct.
- (c) By a supervisor to assess officer performance.
- (d) To assess the proper functioning of BWC systems.

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- (e) To assess possible training value
- (f) Recordings may be reviewed and shown for training purposes.
- (g) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation.
- (h) By any officer captured on or referenced in the video or audio data, who reviews and uses such data to help ensure the accuracy and consistency of accounts.
- (i) Pursuant to a lawful subpoena or by court personnel through proper processes or with permission of the Chief of Police or the Chief's authorized designee.
- (j) In situations where there is a need to review digital evidence not covered by this procedure, the Chief or his/her designee must approve the request. Each such situation will be evaluated on a case-by-case basis.
- (k) Subject to the provisions of this policy, the Chief of Police has the discretion to prohibit the review of any recordings by Department employees if it is determined it is in the best interest of the Police Department or the City of Whittier.
- (l) Upon approval by the Chief of Police or his/her designee, the Office of Professional Standards may review the BWC video with a complainant.

#### **425.21 OFFICER INVOLVED INCIDENTS RESULTING IN GRAVE BODILY INJURY OR DEATH**

In the event of a critical incident that results in grave bodily injury or death, including an officer-involved shooting or an in-custody death, the BWC of the involved member(s) shall be taken from him or her and secured by a supervisor, commander, or appropriate investigator, as necessary.

- (a) The involved member(s) shall not access or obtain their footage of the incident until such time as the criminal investigator(s) have reviewed the video files.
- (b) Personnel uploading secured BWC video files shall not view the files unless authorized.

#### **425.22 AUDITS**

Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Audits can help identify commendable performance as well as early recognition of training needs and other potential issues.

##### **425.22.1 AUDIT FUNCTION**

For the purpose of ensuring police-related incidents are being recorded in accordance with this policy, supervisors or managers shall periodically audit the system to determine usage. Auditing of BWC recordings will be conducted on a deployment period basis. The audits shall be random in nature. Two BWC recordings per deployment shall be selected for each employee audit.

##### **425.22.2 AUDIT RESPONSIBILITY**

The purpose of this policy is to provide the supervisor and managers with guidelines to ensure the proper use of the BWC and the performance of field personnel during daily activities. The audit

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responsibility is not a component of dealing with complaints from the public, internal inquiries of activity related to conduct, or employee misconduct.

Each Supervisor is required to conduct an audit of BWC usage by personnel during the deployment period. Notwithstanding observed policy violations or misconduct, the purpose of an audit of each employee is to provide the employee with supervisory feedback toward training and development.

Audits shall be of activity related to the assignment of the personnel supervised during the deployment period and within the two randomly selected video incidents per deployment.

For Example, an audit for a patrol officer would include the following:

1. Traffic Stop or enforcement contact
2. Crime report calls for service
3. Disturbance complaint call that does not conclude in a report or arrest

#### **425.23 INVESTIGATORY REVIEW**

Investigators conducting criminal or internal investigations shall:

1. Advise the Administrative Lieutenant to restrict access to the BWC file in criminal or internal investigations, as necessary.
2. Review the file to determine whether the BWC file is of evidentiary value and process it in accordance with established protocols.
3. Notify the coordinator to remove the access restriction when the criminal/internal investigation is closed.

#### **425.24 TRAINING USE**

Recordings may be shown for the purposes of training value. This shall not occur until the incident review and/or administrative investigation has been adjudicated. Recordings shall not be used or shown to ridicule or embarrass any department employee. Any recording considered for training would first be reviewed, evaluated, and administratively approved by the Division Commander in writing. Notification to the involved employee(s) will be made prior to release. If an involved employee objects to the showing of a recording, s/he will submit his/her objection to Division Commander to determine if the employee's objection outweighs the training value. Division Commander's written approval is required prior to the use of any BWC video for training purposes.

#### **425.25 RELEASE OF RECORDINGS**

Prior to releasing the video, all recordings should be reviewed by the Custodian of Records and the Office of Professional Standards prior to public release.

In the event that the Police Department intends to release to the media or publicly publish for any purpose video recordings where officers are captured on video, or the video depicts actions taken by them in the course of the performance of their official duties, those officers should be given written notice of the intention to release or publish said video at least 48 hours prior to such release.

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Whittier Police Department may, without prior notice to involved officers, share video footage with law enforcement, national security, military, or other government agencies outside of Whittier when there is reasonable suspicion that criminal activity has occurred or is about to occur.

#### **425.26 PUBLIC RECORDS ACT (PRA) REQUEST**

The department will fully comply with discovery requirements, and California Public Records Act requests as mandated by law, but occasionally it may be proper to redact portions of recordings. Redaction of BWC recordings for discovery shall only be made after approval of the appropriate Division Commander or his/her designee and, when necessary, notification to the City Attorney. Redactions may be made when the following information is present:

- (a) Official information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made (Evidence Code §1040 and 1041).
- (b) Information not related to the incident.
- (c) Confidential information (e.g. the location of Domestic Violence Shelters, social security numbers, driver's license information, and confidential informant identification).
- (d) Technical or physical access control features (e.g. computer passwords, lock combinations)
- (e) Criminal Intelligence information as defined in 28 CFR § 23.39(b)(3).
- (f) Protected Critical Infrastructure Information as defined in 6 CFR § 29.2(b)

#### **425.27 TRAINING REQUIRED**

Officers who are assigned BWCs must complete department-approved training in the proper use and maintenance of the devices before deploying to the field.

As part of a continual improvement process, a regular review should be conducted by WPD staff of the training on this policy and the related use of BWCs under this policy.

# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Whittier Police Department relating to immigration and interacting with federal immigration officials.

### 428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

## 428.2 POLICY

It is the policy of the Whittier Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 428.3 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

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An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

#### **428.4 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

On October 5, 2017, Governor Brown signed Senate Bill 54, the California Values Act, which limits local law enforcement's involvement in immigration enforcement. This Act does not prohibit immigration officials from entering and/or working inside any of these police facilities under certain conditions.

It is crucial federal agencies understand officers are prohibited by SB54 from doing the following:

- (a) participating in arrests based on civil immigration warrants
- (b) taking part in immigration investigations
- (c) inquiring into an individual's immigration status
- (d) or transferring any individual to immigration authorities, unless authorized by a judicial warrant or judicial probable cause determination, or in compliance with Government Code 7282.5.

Federal agents working with officers should understand that immigration enforcement should not be conducted while partnered with officers. In the event a federal agent does conduct immigration enforcement, officers can cover them for officer safety reasons until additional federal agents arrive.

Federal immigration law governs the following areas:

- (a) legal and illegal immigration into the United States
- (b) how long a person can stay
- (c) and when they must leave

Federal immigration agencies and officials have primary jurisdiction and responsibility for the enforcement of immigration laws. States have limited legislative authority regarding immigration.

Under California law, the primary function of a police officer is to enforce the laws of the State of California. In general, California state law leaves the direct enforcement of immigration laws almost entirely with federal agencies and officials.

#### **428.5 DEPARTMENT PROCEDURE ON IMMIGRATION**

- (a) **DETENTIONS ONLY**



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1. The stopping and/or detaining of persons to check their documentation or immigration status based on the appearance of foreign ancestry alone is unlawful.
  2. Officers shall refrain from using pre-textual law enforcement contacts as a method to engage in federal immigration enforcement.
  3. During lawful detentions, officers should not be inquiring as to the immigration status of the person being detained.
- (b) **ARRESTS**--Whenever an arrest of an illegal entrant into this country is made, it shall be made in accordance with the law and Department Policy/Procedure as set forth below:
1. A peace officer in California may make a lawful arrest whenever any of the following circumstances occur:
    - (a) A public offense is committed in the officer's presence;
    - (b) A person has committed a felony; or
    - (c) Probable cause exists to suspect a person has committed a felony, whether or not a felony has, in fact, been committed (Penal Code 836).
- (c) **JAILS**--The responsibility for determining the immigration status of inmates in any jail facilities belongs with the U.S. Immigration and Customs Enforcement (ICE). However, in order to enhance the ongoing joint efforts by the Department and ICE to identify criminal aliens in the jail system and process them for deportation, the following process will occur:
1. Every individual booked into the Whittier Police Department's jail facility will have their fingerprints checked in the U.S. Department of Homeland Security's biometric system for any immigration record (LIVESCAN).

#### **428.6 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

##### **428.6.1 NOTICE TO INDIVIDUALS**

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with

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information as to whether the Whittier Police Department intends to comply with the request (Government Code § 7283.1).

If the Whittier Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

#### **428.6.2 ICE INTERVIEWS**

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Whittier Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

#### **428.6.3 TRANSFERS TO IMMIGRATION AUTHORITIES**

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

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

The Jail Manager shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the [Records Bureau] Policy).

#### **428.7 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should:

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- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
  - 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
  - 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
  - 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

#### 428.7.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the

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certification shall be processed within seven days of the first business day following the day the request was received.

#### 428.7.2 REPORTING TO LEGISLATURE

The Jail Manager or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

#### 428.7.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

## Emergency Utility Service

### 430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch/Communications Center.

#### 430.1.2 ELECTRICAL LINES

When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Southern California Edison should be promptly notified, as appropriate.

#### 430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch/Communications Center.

### 430.2 TRAFFIC SIGNAL MAINTENANCE

Public Works maintains all traffic signals within the city, other than those maintained by the State of California.

#### 430.2.1 RESPONSIBILITY FOR SIGNALS

The State of California, (Cal Trans), in most cases, maintains traffic signals located on state highways and at freeway off-ramps.

#### 430.2.2 OFFICER RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the police dispatcher of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency. Officers should evaluate the need for traffic control or temporary traffic control devices and take appropriate action.

## Patrol Rifles

### 432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Whittier Police Department utilizes the AR-15 Patrol rifle.

### 432.2 PATROL RIFLE

#### 432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department armorer.

### 432.3 SPECIFICATIONS

The only authorized patrol rifle is one which is owned and issued by the Department. This rifle shall be a Colt AR-15.

#### 432.3.1 RIFLE AMMUNITION

The only ammunition authorized for the patrol rifle is that which has been issued by the Department. This will consist of a quality factory load in a .223 or 5.56 x 45mm caliber.

### 432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Training Coordinator or armorer who shall inspect and service each patrol rifle on a monthly basis.
- (b) Each officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Each patrol rifle shall be subject to inspection by a supervisor, the Training Coordinator or Armorer at any time.
- (e) No modification shall be made to any patrol rifle without prior written authorization from the Training Coordinator or armorer.
- (f) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

### 432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial patrol rifle user's course and

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qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

#### **432.6 DEPLOYMENT OF THE PATROL RIFLE**

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

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

#### **432.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

#### **432.8 PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

- (a) The chamber is empty
- (b) The rifle bolt is forward, weapon cocked and selector in "safe" position.
- (c) There is a fully loaded magazine in the rifle with no more than 28 rounds
- (d) The dust cover is closed
- (e) The rifle is stored in the locked patrol vehicle's rifle rack

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#### **432.9 RIFLE STORAGE**

- (a) When not in use, patrol rifles will be stored in the department armory in rifle racks.
- (b) At the start of each assigned shift, any qualified, on-duty officer may contact the Watch Commander or a patrol supervisor for access to the department armory.
- (c) The three digits of the assigned patrol rifle, located on the stock, will be recorded on the Daily Activity Log when going in service with Dispatch. The corresponding numbered magazines should match the numbers on the stock of the rifle. If they cannot be located a memo should be generated through the chain of command and the Administrative Lt. notified.
- (d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack, locked in the trunk or secured at a suitable work station.

#### **432.10 SPECIALIZED UNIT PATROL RIFLE**

- (a) The care and maintenance of Narcotics/SET/POP teams' tactical rifles are the sole responsibility of the Detective/Officer to whom the rifle is issued.
- (b) No modifications whatsoever shall be made to the rifles without the approval of both the Investigations Division Lieutenant and the Department's armorer.
- (c) Only department approved ammunition shall be used for each rifle.
- (d) The flash/sound suppressor shall not be used for quarterly qualifications.
- (e) Per manufacturer specifications, the flash/sound suppressor must be removed and cleaned after 200 rounds of ammunition have been fired through it.
- (f) Rifle deployment by SET/Narcotics/Pop teams is operation specific (i.e. warrant service, planned takedown etc.). Rifles shall be stored in unmarked vehicles in a locked gun rack during routine usage.
- (g) When not being deployed for an operation, rifles shall be stored in a locked gun rack in unmarked vehicles. The exception is when the unmarked vehicle is taken home. In these instances the rifle will be removed from the rack and safely stored within the residence following all laws applicable to firearms storage.
- (h) Those officers using their own department authorized AR15 for patrol functions will secure their rifle in the locked patrol box in the rear of all Explorer patrol vehicles. They will not be left visible to the public in the rear storage areas. Each Explorer is equipped with keys assigned to the vehicle to unlock/lock this storage compartment for storage and deployment.



## Dual Sport Motorcycles/Greenway Trail

### 435.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirements and use of dual-sport motorcycles as a means of patrolling the Greenway Trail.

### 435.2 USE

The City purchased two Honda dual-sport motorcycles to specifically patrol the Greenway Trail. Unless approved by the Chief of Police or Division Commander, these vehicles should not be used for any other purpose.

### 435.3 PERSONNEL REQUIREMENTS

In order to participate in this assignment, officers must meet the following requirements:

- (a) Possess valid M1 license
- (b) Complete off-highway training course recognized by the Motorcycle Safety Foundation

### 435.4 UNIFORM REQUIREMENTS

All personnel working this assignment shall wear the following attire:

- (a) Class B or C uniform (pants only)
- (b) Boots covering the ankle
- (c) Shoei V-MT black helmet (DOT approved)
- (d) Eye protection (minimally sunglasses)
- (e) Gloves

### 435.5 PATROL LIMITATIONS

In addition to any other department policy that may affect the use and operation of the dual sport motorcycle, officers shall adhere to the following rules:

- (a) Code 3 equipment is to affect traffic/pedestrian stops while enforcing applicable laws and to respond to emergencies on the Greenway Trail. Officers shall not engage in pursuits.
- (b) Generally, officers should refrain from leaving the Greenway Trail unless responding to the station, city yards, or a work break. Any other reason shall be approved by the Watch Commander.

# Field Training Officer Program

## 436.1 PURPOSE AND SCOPE

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

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

## 436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

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

### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

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

### 436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

## 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

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

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings

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

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

#### **436.4 TRAINEE DEFINED**

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

#### **436.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

##### **436.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Whittier Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Whittier Police Department.

#### **436.6 EVALUATIONS**

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

##### **436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

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- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

#### **436.6.2 IMMEDIATE SUPERVISOR**

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

#### **436.6.3 FIELD TRAINING ADMINISTRATOR**

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

#### **436.6.4 TRAINEE**

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

#### **436.7 DOCUMENTATION**

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

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

## Obtaining Air Support

### 438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request. Supervisors should consider the potential fee that may be charged by agencies for the use of the helicopter before making a request. However cost shall not override public safety concerns.

#### 438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

## Contacts and Temporary Detentions

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 440.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 440.2 POLICY

The Whittier Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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#### **440.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Whittier Police Department to strengthen community involvement, community awareness, and problem identification.

##### **440.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

#### **440.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **440.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

##### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph **without consent**. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

##### **440.5.3 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **440.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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



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of identification, officers should attempt to identify the witness prior to his/her departure.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Whittier Police Department members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

#### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and downloaded into the Department's Digital Imaging management System (DIMS) under the section "F.I." and using the incident number to identify and track the photograph with the F.I. If an individual is photographed as a suspect in a particular crime, the photograph should be downloaded into DIMS as evidence using the related case number as identification.

If a photograph is not associated with an investigation where a case number has been issued, the F.I. should include the incident number and then be forwarded to the Watch Commander for review and approval. Any photographs associated with the F.I. should be downloaded into DIMS under the F.I. section using the same incident number for proper tracking:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the F.I. and any associated documents to Crime Analysis for entry, then the F.I. card will be forwarded to the Special Enforcement Team (S.E.T.) Supervisor. Any photographs taken shall be uploaded and stored in DIMS. The SET Supervisor will ensure any photographs and supporting documents (F.I.'s) are retained as prescribed by the Criminal Organizations Policy.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should still be downloaded into DIMS using the incident number. These photographs will be purged as described in the Purging the Field Photo File subsection of this policy.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, a copy of the individual photograph should be retained as a part of the case file as well as in DIMS.

#### **440.7.1 PURGING THE FIELD PHOTO FILE**

The Senior Forensic Specialist will be responsible for ensuring that photographs maintained in DIMS that are more than one year old, not associated to F.I.'s and no longer serve a law enforcement purpose are periodically purged and destroyed. The list of photographs to be purged will be verified by the S.E.T. supervisor prior to them actually being purged. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the photo file shall be strictly limited to law enforcement purposes.

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Purging of F.I. cards and associated photographs should conform to the retention time outlined in the records retention schedule for the Police Department for gang-related and other than gang-related F.I. cards unless the specific card and photograph continues to serve a legitimate law enforcement purpose. In those limited cases, the card and photograph may be kept longer than the prescribed time if notations of the reasons for preserving the card are added to the file for each additional year they are retained past the normal retention time.

#### **440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

##### **440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

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

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

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Whittier Police Department policy, the original photograph will be destroyed or

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returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Whittier Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Whittier Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

# Criminal Organizations

## 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Whittier Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 442.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 442.2 POLICY

The Whittier Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 442.3.1 SYSTEM ENTRIES

It is the Special Enforcement Supervisor's (S.E.T.) responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the S.E.T. supervisor should ensure copies of those documents are retained in an approved criminal intelligence file. Any supporting documentation for an entry shall be retained

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by the S.E.T. supervisor. These files should be purged after one year. The files that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to this file shall be strictly limited to law enforcement purposes.

The S.E.T. supervisor should ensure that any documents retained in these files are appropriately marked as intelligence information.

#### 442.3.2 GANG DATABASES

The Chief of Police may approve participation by S.E.T. in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the S.E.T. supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the S.E.T. supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the department, the basis for that designation and the name of the agency that made the designation. The department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The S.E.T. supervisor shall retain all reports and/or FIs to the appropriate criminal intelligence file. The S.E.T. supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement. It is the S.E.T. Supervisor's responsibility to retain all gang-related F.I.'s in compliance with this policy.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

#### 442.3.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

S.E.T. shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
  - 1. They have a common name or common identifying sign or symbol.
  - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2(a).
  - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy.
  - 4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a S.E.T. member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
  - 1. An individual admits membership in a criminal street gang.
  - 2. A reliable informant, family member, rival gang member and/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.
  - 7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.

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8. Attendance at gang functions or known gang hangouts.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

#### **442.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the S.E.T. supervisor responsible for consideration of criminal intelligence system entries.

##### **442.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible S.E.T. supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### **442.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The S.E.T. supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of that supervisor.

#### **442.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

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- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

#### **442.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **442.7 CRIMINAL STREET GANGS**

The S.E.T. supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
  - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
  - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
  - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.



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#### **442.8 TRAINING**

The Training Coordinator or S.E.T. supervisor should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

##### **442.8.1 SHARED GANG DATABASE TRAINING**

The Training Coordinator or S.E.T. supervisor should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

## Watch Commanders

### **444.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Lieutenant is unavailable for duty as Watch Commander, in most instances a sergeant shall be designated as Watch Commander.

## Mobile Digital Computer Use

### 448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

### 448.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 448.3 POLICY

Whittier Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### 448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### 448.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **448.5 DOCUMENTATION OF ACTIVITY**

- (a) Police dispatchers shall continue to perform all the duties and responsibilities of the Communications Unit. They shall enter into CAD all information given by officers by voice radio and respond to all requests by voice radio.
- (b) High priority calls shall be broadcast by voice radio and sent by MDC. Officers shall acknowledge receipt of and 10-97 by voice radio.
- (c) Low and medium priority calls shall be dispatched by MDC directly to the assigned unit. If an officer does not indicate en route to a call within 5 minutes, the dispatcher shall advise the officer of a call holding on the MDC.
- (d) If an officer requests that a call be voice dispatched, the dispatcher shall voice dispatch the call.
- (e) However, officers are to routinely use the MDC to acknowledge all calls by using the MDC en route, at scene, disposition and call status buttons.

##### **448.5.1 MDC/VOICE TRANSMISSIONS**

- (a) MDC's do not replace 911 voice transmission. When appropriate or necessary, you should always voice broadcast your message for safety reasons.
- (b) The voice radio and MDC should be used for all in-progress crimes, emergency calls, and any call requiring a two or more officer response.
- (c) The voice radio should be used to call in traffic stops and pedestrian stops.
- (d) Officers are to use the MDC for all routine computer inquiries including, but not limited to warrant checks, CDL inquiries, SVS inquiries, etc.
- (e) Officers should wait until back-up assistance is on scene before querying the MDC; i.e. warrant checks, SVS, etc.
- (f) Dispatchers will coordinate with the station commanders to advise of MDC policy violations in order to facilitate remedial training.

##### **448.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

#### **448.5.3 MDC MESSAGES**

(a) MDC's shall only be used for official messages. Personal messages shall not be sent via the MDC system.

(b) MDC messages shall not include words or terms that would be inappropriate if broadcast by voice radio.

(c) MDC messages should be used, when possible, to send lengthy or detailed information.

(d) MDC messages will be retained for 365 days.

(e) MDC messages will be reviewed monthly by a Management Team member, to ensure compliance with Department policy.

(f) Messages that appear to be in violation of Department policy shall be reported to the appropriate division commander for investigation and possible disciplinary action.

(g) Any repeated misuse, after remedial training may result in more severe forms of discipline.

#### **448.6 EQUIPMENT CONSIDERATIONS**

##### **448.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

##### **448.6.2 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

#### **448.7 WATCH COMMANDERS AND SUPERVISORS**

##### **WATCH COMMANDERS**

- (a) Station commanders are to review MDC message to ensure procedural compliance.
- (b) Station commanders are to notify field supervisors of any identified policy violations for disciplinary follow-up.
- (c) Station commanders will work with field supervisors to ensure appropriate discipline or remedial training.
- (d) Station commanders will coordinate with dispatchers to determine MDC policy violations in order to facilitate remedial training.

##### **SUPERVISORS**

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- (a) Field sergeants are to monitor status screens and displays in the field.
- (b) Field sergeants will check for MDC procedure compliance.
- (c) Field sergeants shall report suspected violations to the station commander.

#### **448.8 SYSTEM REPAIR**

- (a) All MDC terminal or system problems shall be reported to the IT personnel on the appropriate form in a timely manner.
- (b) If the MDC system experiences major or complete failure on off-hours, the dispatchers should contact IT staff and may be required to telephonically assist in troubleshooting the system while on the phone.
- (c) If the MDC system cannot be resolved over the phone during off-hours, the IS Analyst will respond to the station to bring the MDC system back online.
- (d) Officers shall not attempt to repair or replace any MDC screen or mounting equipment. They shall not disable any portion of the MDC system or component.

#### **448.9 TRAINING**

- (a) The Training Coordinator shall be responsible for coordinating training and new personnel in the use of all aspects of the end-user MDC system through the FTO program and/or identified "MDC Power Users."
- (b) All persons shall receive approved MDC training prior to using the MDC.
- (c) MDC training shall include instruction in the following subject areas for all officers, CSO's, ,PSO's, and PEO's:
  - 1. MDC operation and access to CAD, the Records Management System (RMS.), and external databases.
  - 2. Department policy on computer security and use thereof.
  - 3. State laws regarding access to computer data systems.

## Portable Audio/Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Whittier Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 450.2 POLICY

The Whittier Police Department may provide supervisors with access to department-issued portable audio recorders, for use during the performance of their duties. Members may use personal recording devices (audio) upon approval by the Chief of Police or their designee after submitting a request to carry such device by the member through their chain of command. All requests to carry such personal recording devices will go through the Administration Division. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device or personally owned device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member desiring to carry a personally owned recording device will be responsible for making sure that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using an approved personal portable recorder, the assigned member shall record his/her name, WPD identification number and the current date and time at the beginning and the end of each use. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

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### *Portable Audio/Video Recorders*

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#### 450.4.1 OBTAINING PERMISSION FOR USE

Before an employee can use a personally owned recording device on-duty certain steps must be taken to ensure compatibility with existing department equipment and the employee understands the restrictions of use. The following protocol has been established.

- An employee agreement waiver must be obtained from the Administration Division. The employee must read and sign the waiver stating they understand the existing policy and uses.
- Before purchasing a personal recording device the employee is encouraged to communicate with the Forensic's Department to ensure compatibility with the existing digital storage system.
- Upon purchase of the personal recording device the waiver form will require a signature from the Forensic's Department acknowledging the device has been inspected and it is compatible.
- Submit the memo to the Administration Division.
- A memo will be authored by the Administration Division approving the employee to use the recording device. Included in the approval memo will be the training memo which outlines its use.

#### 450.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio recording device used by a member as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death, or other serious incidents, and ensure the data is downloaded (Penal Code § 832.18).

#### **450.5 ACTIVATION OF THE PORTABLE RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to



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the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### **450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### **450.5.2 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued and approved personal portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued (supervisors) or approved personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Any member who uses an approved personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule. Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

#### **450.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

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#### **450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### **450.8 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's

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privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

#### **450.9 COORDINATOR**

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing, and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure the availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting, and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

#### **450.10 RETENTION OF RECORDINGS**

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Whittier Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than one year.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

##### **450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

# Medical Marijuana

## 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

### 452.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

**Compassionate Use Act (CUA)** (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

**Identification card** - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

**Medical marijuana** - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

**Medical Marijuana Program (MMP)** (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

**Patient** - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

**Primary caregiver** - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

**Statutory amount** - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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#### **452.2 POLICY**

It is the policy of the Whittier Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Whittier Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

#### **452.3 INVESTIGATION**

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

##### **452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

##### **452.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER**

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

#### 452.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

#### 452.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at a later time.
  - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
  - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
  1. The amount of marijuana recommended by a medical professional to be ingested.
  2. The quality of the marijuana.
  3. The method of ingestion (e.g., smoking, eating, nebulizer).
  4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

#### 452.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
  1. In any place where smoking is prohibited by law.
  2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
  3. On a school bus.
  4. While in a motor vehicle that is being operated.
  5. While operating a boat.

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- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

#### **452.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE**

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

#### **452.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

#### **452.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.



## Automated License Plate Readers (ALPRs)

### 460.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### 460.2 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) ALPR Operator: Trained department members who may utilize ALPR system/equipment. ALPR operators may be assigned to positions within the Department, and the ALPR Administrator may order the deployment of ALPR systems for use in various efforts.
- (c) ALPR Administrator: The Investigations Bureau Captain or the Chief's designee, serves as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's etc.
- (e) Vehicles of Interest: Including but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- (f) Detection: Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) Hit: Alert from the ALPR system that a scanned license plate or number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

### 460.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Whittier Police Department's ALPR system and the vendor's identification technology. The technology is used by the Whittier Police Department to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention, shall be managed by the vendor.

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### *Automated License Plate Readers (ALPRs)*

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#### 460.3.1 ALPR ADMINISTRATOR

The Administration Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

#### 460.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53)

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (d) No ALPR operator may access departmental, state, or federal data unless otherwise authorized to do so.
- (e) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or Dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to

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visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)

- (f) Hot Lists: The designation of hot lists to be utilized shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this policy. Occasionally, there may be errors in the LPR system's reading of a license plate. Therefore, an alert tone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, department members shall undertake the following:

1. Verification of status on a Hot List. An officer must receive confirmation, from a Whittier Police Department Communications Dispatcher or other department device, that the license plate is stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
2. Visual verification of the license plate number. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors, before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that reasonable basis exist before a Department member would have a lawful basis to stop the vehicle.
3. Department members will clear stops from hot list alerts by indicating the positive ALPR Hit, i.e. with an arrest or other enforcement action. If it is obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).
4. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or their designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the system will contain the following information as a minimum:

- (a) Entering Department member's name
  - (b) Related Case Number
  - (c) Short synopsis describing the nature of the originating call
- (g) Training. No member of this Department shall access ALPR data without first completing Department-approved training.

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- (h) Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses. The ALPR system and all data collected is retained by the vendor. Department personnel may only access and use ALPR system for official and legitimate law enforcement purposes consistent with this policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (eg. vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation: It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use based on a protected characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or any other classification protected by law.
4. Personal Use: It is a violation of this policy to use the ALPR system or hot lists for personal use.
5. First Amendment rights: It is a violation to use the LPR system or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Anyone who engages in an impermissible use of the ALPR system or associated hot lists may be subject to criminal prosecution, civil liability, and/or administrative sanctions up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

#### **460.5 DATA COLLECTION AND RETENTION**

ALPR vendor, Flock Safety will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. Flock Safety will purge their data at the end of 30 days of storage. However, this will not preclude Whittier Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Whittier retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list.

Restrictions on use of ALPR data: Information gathered or collected, and records retained by Flock Safety cameras will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

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### *Automated License Plate Readers (ALPRs)*

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#### **460.6 ACCOUNTABILITY AND SAFEGUARDS**

All data will be closely safeguarded and protected by both procedural and technological means. The Whittier Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.
- (d) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.
- (e) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (f) Every ALPR detection browsing inquiry must be documented by either the associated Whittier Police case number or incident number, and/or a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

#### **460.7 POLICY**

The policy of the Whittier Police Department is to utilize ALPR technology through Flock Safety to capture license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Whittier Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code 7282.5; Government Code 7284.2 et seq) - these federal immigration agencies include Immigrations and Custom Enforcement (ICE) and Customs and Border Patrol (CPB).

#### **460.8 ALPR DATA DETECTION BROWSING AUDITS**

It is the responsibility of the Professional Standards Division (PSD) Lieutenant or the Chief's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above - authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees during the preceding six-month period to determine if each inquiry meets the requirements established in policy section 460.6 (f).

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The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by PSD.

#### **460.9 RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
  - 1. The name of the agency.
  - 2. The name of the person requesting.
  - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

#### **460.10 TRAINING**

The Training Coordinator should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

## Public Recording of Law Enforcement Activity

### 466.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 466.2 POLICY

The Whittier Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 466.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 466.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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### *Public Recording of Law Enforcement Activity*

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **466.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **466.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.



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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# Crisis Intervention Incidents

## 467.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 467.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 467.2 POLICY

The Whittier Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 467.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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### *Crisis Intervention Incidents*

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#### **467.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **467.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources, such as the Mental Health Evaluation Team (MHET) as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  - 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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### *Crisis Intervention Incidents*

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#### **467.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **467.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **467.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **467.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

##### **467.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

#### **467.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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#### **467.11 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

# Medical Aid and Response

## 468.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

## 468.2 POLICY

It is the policy of the Whittier Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 468.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex, and age, if known.
  - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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#### **468.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **468.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **468.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **468.7 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).



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#### **468.7.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Coordinator.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

#### **468.7.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use on an Overdose Prevention Program Report-Back Form.

The Training Coordinator will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

#### **468.7.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Coordinator should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

#### **468.7.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Training Coordinator shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

#### **468.7.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding the acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

#### **468.7.6 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Training Coordinator shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

#### **468.7.7 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

#### **468.8 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the

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officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **468.9 FIRST AID TRAINING**

The Training Coordinator should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Whittier Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

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#### 500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

#### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

#### 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

#### 500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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#### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

#### 500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of the high-visibility vest entrusted to them. An employee's intentional or negligent abuse or misuse of the high-visibility vest may lead to discipline including, but not limited to the cost of repair or replacement. Before going into service each employee shall ensure he/she has a serviceable high-visibility vest with them in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Officer shall be promptly notified in writing whenever the supply of vests in the equipment room needs replenishing or whenever a vest is lost or deemed unserviceable and needs to be replaced.

# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Whittier Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

## 502.2 RESPONSIBILITY

The Traffic Bureau Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Bureau Sergeant will receive all changes in the state manual and ensure conformity with this policy.

## 502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

## 502.4 REPORTING SITUATIONS

### 502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway, highway or other public or private property wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision involves only City property. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

A Field Supervisor and the Watch Commander shall be notified of any traffic collision occurring in any jurisdiction involving any on-duty Whittier Police Department personnel or City-owned vehicle.

### 502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Whittier Police Department resulting in a serious injury or fatality, the Traffic Bureau Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

### 502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Bureau Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

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Employees of this Department shall not complete their own traffic accident report unless approved by the field supervisor and Watch Commander. Approval should only be given in the event of extraordinary circumstances and any reasonable alternatives have been exhausted.

#### **502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

#### **502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury (including a complaint of pain) to any persons involved in the collision.
- (b) When it involves City property.
- (c) When it involves a hit and run as outlined in the California Vehicle Code.
- (d) When it is believed that the driver's ability to operate a motor vehicle is impaired as a result of being under the influence of alcohol and/or drugs.
- (e) When it is determined that one of the involved drivers does not possess a valid driver's license or when either party is unable to show proof of current insurance.
- (f) When any vehicle is involved in any injury/fatal traffic collision or is disabled and towed away as a result of the collision and any of the following criteria exists: (1) any truck having a gross weight over 10,000 pounds, (2) has seats to transport nine or more people including the driver's seat or (3) displays a hazardous materials placard (regardless of weight).

Counter (late) reports shall not be taken for non-injury collisions.

#### **502.4.6 PROPERTY DAMAGE ONLY TRAFFIC COLLISIONS**

Any property damage traffic collision that does not fall under at least one of the circumstances listed in Section 502.45 may be handled as an exchange of information between all of the involved parties as required by California State Law.

#### **502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION**

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Bureau Sergeant, or in his or her absence a Traffic Officer, to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Bureau Sergeant, the Watch Commander or any supervisor may assign a Collision Investigator or motor officer to investigate the traffic collision.



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The Whittier/Santa Fe Springs Police Department Traffic Sergeant, or his designee, shall be responsible for notifying the appropriate traffic division personnel should a call-out be requested. Due to the complex and unpredictable nature of most major collision scenes, the Traffic Sergeant may find it necessary to notify all available traffic division personnel to respond to the scene.

The following are some of the examples of when the watch commander should contact the traffic bureau and have them respond to a scene:

- (a) Fatality to anyone involved in the accident.
- (b) Serious Bodily Injury to anyone involved in the accident:
  - 1. *Serious Bodily Injuries include but are not limited to:*
    - (a) An injury with a substantial risk of death, or
    - (b) A substantial risk of serious, permanent disfigurement, or
    - (c) A substantial risk of protracted loss or impairment of the function of any body part or organ of the body, or
    - (d) Severe lacerations, or
    - (e) Distorted limbs, or
    - (f) Major internal injuries, or
    - (g) Burns of the second or third degree
    - (h) When the victim is unconscious or unresponsive at the scene or after initial hospital stabilization.
    - (i) The age of the victim with a serious injury (12 and under or 65 and over).
    - (j) If it is determined seatbelts were not worn in a serious injury collision.
    - (k) The medical history of the victim, if known
    - (l) Any other factor determined appropriate by the Watch Commander

If any of the above criteria are met, the handling officer(s) will be required to complete the initial investigation, obtaining the appropriate information to complete the original traffic collision report. This includes locating and interviewing the drivers, witnesses and any passengers at the scene. When possible, the handling officers should ask the involved parties to remain at the scene for follow up interviews by traffic personnel.

When the Watch Commander deems it necessary to have traffic called out, the handling officers will secure the scene until traffic division personnel respond and assume control of the investigation. This requires a total lock-down of the scene as to not allow outside access to the area. The handling or assisting officer will immediately begin a crime scene log and attempt to preserve the scene using homicide scene investigation protocol.

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### *Traffic Collision Reporting*

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The Whittier/Santa Fe Springs Police Department Traffic Division will respond to any aircraft collision within our jurisdiction whether or not there is an injury.

# Vehicle Towing and Release

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Whittier Police Department. Nothing in this policy shall require the Department to tow a vehicle.

## 510.2 STORAGE AND IMPOUNDS

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

### 510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

Dispatch Center personnel shall promptly enter pertinent data from the completed storage form (CHP form 180) into the State computer after the Watch Commander has approved the CHP form 180.

Approved storage forms shall be promptly placed in the auto-file so that they are immediately available for release or for information should inquiries be made.

Records personnel, in compliance with Vehicle Code § 22852, shall mail a copy of the approved storage form to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, unless the vehicle has been released.

### 510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Whittier/Santa Fe Springs. The officer will then store the vehicle using a CHP Form 180.

### 510.2.3 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

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If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### 510.2.4 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### 510.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### 510.2.6 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
- (c) The authority and purpose for the removal of the vehicle
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

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#### **510.3 TOWING SERVICES**

The City of Whittier/Santa Fe Springs periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

#### **510.4 VEHICLE INVENTORY**

All property in an unsecured or unlocked stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, if accessible. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, providing for the safety of officers, and to protect the Whittier Police Department against fraudulent claims of lost, stolen, or damaged property.

Locked or otherwise secured stored or impounded vehicles will generally not be inventoried. If exigency, cause, or other circumstances exist that support the search of a secured or locked vehicle, a supervisor shall respond. A supervisor, in consideration of applicable law and/or search exceptions, can authorize a search of a locked vehicle. If a search of a locked vehicle does not occur, a thorough visual inspection of the entire vehicle shall take place. Members shall document their actions and property inventory on the vehicle storage form, or in a corresponding police report.

Only sworn members are authorized to conduct physical searches of a stored or impounded vehicle. If a civilian member tasked with the responsibility to store or impound a vehicle requires the search of an unlocked or locked stored or impounded vehicle, a sworn officer shall be requested.

#### **510.5 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

#### **510.6 RELEASE OF VEHICLE**

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing.

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Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
  - 1. The vehicle was stolen.
  - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
  - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
  - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

#### **510.7 IMPOUND FOR UNLICENSED DRIVING**

Despite the authority granted by California Vehicle Code §22651(p) and §14602.6(a), officers shall not impound vehicles when the sole violation committed by the driver is §12500(a) CVC (Unlicensed Driver) unless additional related circumstances exist. Examples of such additional circumstances include but are not limited to the following:

- The vehicle is illegally parked and there is no licensed, sober, person present at the scene and authorized by the driver/owner to move it.

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- The vehicle is in an area where it could reasonably be the target of vandalism or theft and there is no licensed, sober, person present at the scene and authorized by the driver/owner to move it.
- Articulable circumstances that demonstrate the vehicle, if left at the scene, jeopardizes public safety or the efficient movement of vehicular traffic.

**Nothing in this section shall preclude an officer from impounding a vehicle pursuant to California Vehicle Code §22651(p) or §14602.6(a) when the driver is cited/arrested for driving on a suspended or revoked license (violation of §14601(a), §14601.1(a), §14601.2(a), etc.).**

#### **510.8 TOWING FOR EXPIRED REGISTRATION**

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

# Vehicle Impound Hearings

## 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

## 512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Whittier Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

### 512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations



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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
  - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

## Impaired Driving

### 514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

### 514.2 POLICY

The Whittier Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

### 514.3 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 514.4 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 514.4.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug,

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the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

#### 514.4.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

#### 514.4.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### 514.4.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the

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arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

#### **514.4.5 STATUTORY NOTIFICATIONS**

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### **514.4.6 PRELIMINARY ALCOHOL SCREENING**

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

#### **514.4.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21**

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

### **514.5 REFUSALS**

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **514.5.1 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of

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alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### 514.5.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

#### 514.5.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

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#### **514.6 RECORDS BUREAU RESPONSIBILITIES**

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **514.7 TRAINING**

The Training Coordinator should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

#### **514.8 ARREST AND INVESTIGATION**

##### **514.8.1 WARRANTLESS ARREST**

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

##### **514.8.2 OFFICER RESPONSIBILITIES**

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

## Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

The Records Bureau, in consultation with the Traffic Sergeant, shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department

### 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

#### 516.3.1 "NO RECALL" POLICY

- (a) Officers shall write sufficient notes on the back side of the duplicate traffic citation so that it may assist in the recollection of the events for testimony purposes.
- (b) If an officer is unavailable to appear in traffic court due to illness or any other reason other than planned vacation, the officer shall notify the on-duty watch commander prior to the traffic hearing date and time.
- (c) "No Recall" is not a legitimate reason for failing to attend traffic court. Officers shall not contact the court clerk and telephonically advise they have no recall. Should the officer

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have no recall in a traffic matter, the officer shall notify the shift watch commander verbally of the "no recall" at least 7 days prior to the court date.

- (d) The employee shall also complete a memorandum addressed to their appropriate division commander outlining the circumstances of the "no recall." This is to be submitted to the employee's shift watch commander at least 7 days prior to the court date.
- (e) A copy of the subpoena shall be attached to the memorandum.
- (f) A copy of the front and back side of the citation shall be attached to the memorandum.
- (g) The watch commander, upon receipt of this documentation, will notify the court liaison officer via email.
- (h) The officer will not need to appear on that specific traffic matter and will not be compensated for the scheduled court appearance.

#### **516.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Bureau.

#### **516.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Bureau. The Records Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

#### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The citation copies shall be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

#### **516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

##### **516.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available online at [www.ticketwizard5000.com](http://www.ticketwizard5000.com) or by calling Data Ticket at (800) 989-2058. The Initial review consists of informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of



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parking violation and the request for dismissal must be submitted online or mailed to the current mailing address of the processing agency.

- (b) If the appellant wishes to pursue the matter beyond Initial review, an Administrative hearing may be requested. The Administration hearing can be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be requested. The Superior Court request must be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

#### 516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

#### 516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### 516.7.4 PAYMENT PLANS FOR PARKING CITATIONS

**Beginning July 1, 2018, the City of Whittier will offer payment plans to indigent registered Owner(s)/Lessee(s) with unpaid parking**

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citations issued on or after July 1, 2018 for the amounts of \$300.00 or less.

If you wish to apply for an indigent payment plan, you must request the application within 60 calendar days of issuance of the citation, or within 10 days of administrative hearing determination, whichever is later.

An indigent payment plan provides the option to pay your parking citation in up to \$25.00 monthly increments, and shall be paid off within 18 months of the payment plan approval date. Upon approval, a non-refundable payment plan fee of \$5.00 will be assessed to the total payment plan amount and all late fees and penalties shall be waived. Waived late fees and penalties may be reinstated if the person falls out of compliance with the payment plan.

The registered Owner/Lessee must demonstrate that he or she is indigent by providing either of the following information as applicable:

A person is "**Indigent**" if they meet any of the following conditions:

- (a) The person receives public benefits from any of the programs listed in subdivision (a) of section 68632 of the Government Code.
  - Supplemental Security Income (SSI).
  - California Work Opportunity (Cal works).
  - Supplemental Nutrition Assistance Program (food stamps).
  - County Relief, General Relief (GR) or General Assistance (GA).
  - Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants.
  - In-Home Supportive Services (IHSS).
  - Medi-Cal.
- (b) The person meets the income criteria set forth in subdivision (B) of section 68632 of the Government Code. An applicant whose monthly income is 125% or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services.

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The person may demonstrate that he or she is indigent by providing either of the following information, as applicable:

- (a) Proof of receipt of benefits under the programs described in subdivision (a) of section 68632 of the Government Code. Proof of receipt will consist of a copy of the most recent verification of benefits form, notice of action (approval) letter or award letter.
  - 1. If a person has no income or does not receive public assistance, a copy of their yearly earnings from the Social Security Department is required for proof.
- (b) Proof of income from 3 most recent pay stubs or other form of proof of earnings such as a bank statement that shows the individual meets the income criteria set forth in subdivision (b) of section 68632 of the Government Code.

#### **516.8 12500(A) PROTOCOL**

##### **ADULT 12500(a)**

The Los Angeles County District Attorney's Office has changed the manner in which they will be prosecuting adult 12500(a) violations. This necessitates some modifications to our procedures when dealing with 12500(a) offenses. The Penal Code authorizes prosecutors to charge 12500(a) violations as misdemeanors or infractions. Beginning on January 1, 2016, 12500(a) violations will be considered infractions when both of the following circumstances are met.

- Where the suspect does not have any prior convictions of a violation of VC 12500(a) or VC 14601; and
- Where the violation of VC 12500(a) was not committed in conjunction with another misdemeanor or felony offense.

Effective immediately, if officers discover a 12500(a) driver with no priors for 12500(a) or 14601, and who has no other misdemeanor or felony charges, the citation shall be issued as an infraction. Officers are responsible for checking for prior 12500 or 14601 offenses when citing for 12500. Records will process the citation through traffic court.

Officers shall issue 12500(a) citations as misdemeanors when either of the following circumstances exist:

- Where the suspect has one or more prior violations of 12500(a) or 14601; or
- Where the offense was committed in conjunction with another misdemeanor or felony offense.

In these cases, officers shall issue the citation as a misdemeanor. Records will prepare a standard filing packet consisting of a written narrative establishing the facts of the offense and the probable cause for the arrest, the suspect's CLETS, CCHRS, and DMV criminal history. Officers shall use the Whittier Police Department Probable Cause Form as the written narrative. This is the same form currently used for 14601 violations.

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If the subject is going to be taken into physical custody on a separate open charge, simply add the charge of 12500(a) to the booking form. Do NOT issue a citation in this case.

#### **JUVENILE 12500(a)**

All juvenile 12500(a) violations should be charged as misdemeanors. The citation should reflect "TO BE NOTIFIED BY PROBATION" with no court date listed.

#### **516.9 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## Citation Correction and VIN Verification

### 517.1 PURPOSE AND SCOPE

To establish a procedure to facilitate the collection of fees imposed for citation corrections and V.I.N. verifications. The city council has approved the imposition of fees for the service of Citation Correction and V.I.N. Verification done by police employees. This procedure establishes the manner in which we will collect those fees and provide the community with this service. Realizing that this new fee will not be popular in the community, employees should strive to provide the service in a timely and courteous manner.

### 517.2 CITATION CORRECTIONS

An established fee will be charged for each citation regardless of the number of violations on the citation.

#### 517.2.1 PROCEDURE

##### (a) Requests at Station

1. Citizens coming to the station for citation correction shall first pay the required fee to records personnel and obtain a receipt. The records personnel should be careful to issue receipts only for those citations that we are able to sign off. (I.E. headlamps, brakes are by official station only) Note \* Registration violations do not need sign-off, only proof of compliance to the court clerk.
2. The receipt shall reflect the citation number in the comments section and shall be made out to the person paying the fee.
3. In the event the party does not have the citation, a court notice to be signed will have the citation number affixed.
4. Upon payment of fees, whenever possible an available officer in the station should be used to sign-off the citation. If no officers are available, an officer shall be detailed by notifying Communications and calling in a field unit.
5. In the event that the citizen does not want to wait for the officer, he may pay the fee and obtain a receipt with the citation number. He/she can then return to the station when convenient.
6. If for any reason the citizen would later request a refund, he shall be directed to the Records Supervisor during normal office hours, or in his absence the station commander.

##### (b) Field Requests

1. Officers encountering requests for citation correction in the field shall refer all requests to the station to assure that the proper fees are paid. If an officer

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encounters a citizen with a valid receipt he should make every effort to sign-off the citation.

- (c) Verification: In all cases, the Officer signing off the citation shall make a notation on the receipt that the correction has been handled.

#### **517.3 V.I.N. (VEHICLE IDENTIFICATION NUMBER) VERIFICATION**

An established fee will be charged for each V.I.N. verification whether done at the station or in the field. A receipt shall be issued with the indication of the V.I.N. in the comment section.

##### **517.3.1 PROCEDURES**

- (a) Citizens who call communications and request an officer to respond for a V.I.N. verification shall be told that it will be necessary for them to pay the above fee at the station before a unit will be detailed.
- (b) If they are unable to legally bring the vehicle to the station, they should be told to return home and call the station. A unit shall then be dispatched to verify the V.I.N.
- (c) Officers responding to a citizen's home and completing the V.I.N. verification shall initial and date the receipt indicating the verification has been completed.

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### 520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. Employees should refrain from utilizing the push bumpers absent an immediate traffic hazard.

#### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

## 72-Hour Parking Violations

### 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Whittier/Santa Fe Springs City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

### 524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Whittier/Santa Fe Springs 72-Hour Parking Ordinance shall be marked and noted on the Whittier Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

#### 524.2.1 MARKED VEHICLE FILE

Dispatch shall be responsible for printing a report for the Traffic Bureau.

Parking Control Officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

#### 524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Dispatch Center immediately following the storage of the vehicle. It shall be the responsibility of the Dispatch Center to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals



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having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Whittier Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

### 600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### 600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

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

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

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

#### **600.4 INITIAL INVESTIGATION**

##### **600.4.1 OFFICER RESPONSIBILITIES**

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

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5. Collect any evidence.
  6. Take any appropriate law enforcement action.
  7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

#### **600.4.2 NON-SWORN MEMBER RESPONSIBILITIES**

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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#### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

##### **600.7.1 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

#### **600.8 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY**

The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
  - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
  - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.

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3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

#### **600.10 USE OF CERTAIN DNA SAMPLES**

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

#### **600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES**

A member should take a report any time a person living within the jurisdiction of the Whittier Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of

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jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Detective Bureau supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

#### **600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS**

##### **600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM**

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Detective Bureau supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code § 11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

##### **600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION**

The Detective Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).



# Sexual Assault Investigations

## 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 602.2 POLICY

It is the policy of the Whittier Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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#### **602.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

#### **602.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

#### **602.6 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

##### **602.6.1 VICTIM RIGHTS**

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

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- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
  - 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
  - 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

#### **602.6.2 VICTIM CONFIDENTIALITY**

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

#### **602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

##### **602.7.1 COLLECTION AND TESTING REQUIREMENTS**

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has

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been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### 602.7.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
  - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
  - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

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3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
  4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

#### 602.7.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

#### 602.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

#### 602.9 CASE REVIEW

The Detective Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

# Asset Forfeiture

## 607.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Whittier Police Department seizes property for forfeiture or when the Whittier Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
  - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
  - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
  - 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
  - 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
  - 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
  - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
  - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### 607.2 POLICY

The Whittier Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Whittier Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### 607.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

##### 607.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
  - 1. The property subject to forfeiture is legally seized incident to an arrest.
  - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

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Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### **607.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

#### **607.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.



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Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **607.5 MAINTAINING SEIZED PROPERTY**

The Senior Property and Evidence Technician is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **607.6 FORFEITURE REVIEWER**

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant

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guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
  2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
  4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).
- (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

#### **607.7 DISPOSITION OF FORFEITED PROPERTY**

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

##### **607.7.1 RECEIVING EQUITABLE SHARES**

When participating in a joint investigation with a federal agency, the Whittier Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

#### **607.8 CLAIM INVESTIGATIONS**

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification

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of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

# Informants

## 609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Whittier Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Whittier Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 609.2 POLICY

The Whittier Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 609.3 USE OF INFORMANTS

### 609.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

All officers must ensure that the potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from the use of informants. Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 609.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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#### 609.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### 609.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Special Enforcement Team supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Whittier Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Enforcement Team supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Enforcement Team supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, the "Narcotic Expenditure/Buy form" shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### 609.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **609.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Enforcement Team. The Special Enforcement Team supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Special Enforcement Team supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Enforcement Team supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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#### **609.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### **609.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Special Enforcement Team supervisor and the Investigative Lieutenant will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15%.



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#### 609.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Special Enforcement Team buy/expense fund.
  - 1. The Special Enforcement Team supervisor shall sign the "Narcotic Expenditure/Buy Form" for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of cash at the cashier's office only after the following criteria has been met:
  - (a) A memorandum shall be authored to include the case number the operation is connected with, as well as the confidential informant number. The Investigations Division Captain and the Chief of Police shall sign the memorandum.
  - (b) The funds for the payment must be picked up at the cashier's office by either the Investigations Division Captain or the Investigation's Lieutenant..
  - (c) A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - (d) The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  - (e) .
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete the "Narcotics Expenditure/Buy and Payment Receipt" form.
  - (a) The "Narcotics Expenditure/Buy and Payment Receipt" form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Whittier Police Department case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - (b) The cash "Narcotics Expenditure/Buy and Payment Receipt" shall be signed by the informant.
  - (c) A copy of the cash "Narcotics Expenditure/Buy and Payment Receipt" will be kept in the informant's file and the original kept in the safe.

#### 609.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

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In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

#### 609.6.3 AUDIT OF PAYMENTS

The Special Enforcement Team supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every month, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process. A memo will be provided to the Investigative Lieutenant indicating the amount, who conducted the audit, when the audit was completed, and any inconsistencies.

#### 609.6.4 CASH DISBURSEMENT LIMITS

The following sets limits of cash disbursements:

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of \$30,000.

# Eyewitness Identification

## 612.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### 612.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** -Any field identification, live lineup or photographic identification.

**Field identification** -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Blind Administration** - The administrator of an eyewitness identification procedure does not know the identity of the suspect.

**Blinded Administration** - The administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or their photo, as applicable, has been placed or positioned in the identification procedure.

**Folder Shuffle Method** - A system for conducting a photo lineup by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

**Filler** - The person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

## 612.2 POLICY

The Whittier Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 612.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

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Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

#### **612.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM**

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) The member shall also inquire with the witness to the confidence level in the accuracy of the identification and record it in writing.
- (l) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **612.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

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- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

#### **612.6 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

##### **612.6.1 DOCUMENTATION RELATED TO RECORDINGS**

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

##### **612.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION**

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

#### **612.7 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.

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6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
  - (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
  - (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
  - (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
  - (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

#### **612.8 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

##### **612.8.1 OTHER SAFEGUARDS**

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

# Special Enforcement Team/Detective Division Operating Funds

## 613.1 PURPOSE AND SCOPE

The SET Team/Investigative Division use operating funds for undercover purchases involving illegal narcotics, stolen property, confidential informant (CI) operations and witness protection. These cash funds are kept in a locked safe, which is located in a secure, access controlled SET Team unit office.

## 613.2 FUNDING AND MAINTENANCE

At the beginning of each fiscal year, the cash fund amount available is \$5000.00. In order to provide immediate access to cash funds necessary for a major narcotics purchase as "flash money" on short notice, Whittier cash funds will be maintained at a minimum of \$3,000. When cash funds drop below the minimum amounts, the unit supervisor will complete a "City of Whittier Demand for Payment" form and submit it to the Division Lieutenant and Division Commander for approval. The form will be submitted to the Administrative Services Department for processing.

## 613.3 AUTHORIZATION TO USE CASH FUNDS

If cash funds are needed for the above stated purposes and operational approval has been granted by the unit supervisor, the investigator will do the following:

- (a) Complete a "Whittier Police Department Narcotic Expenditure Request/Buy" form indicating the desired amount and purpose, and submit the form to the unit supervisor.
- (b) Complete a memorandum titled "Witness Protection Fund Request" indicating the desired amount, purpose, case number and submit the form to the unit supervisor.

Supervisor Responsibilities:

- (a) The unit supervisor will sign the form, thereby authorizing disbursement of cash funds from the safe.
- (b) The unit supervisor will log the expenditure on the digital tracking log which is maintained on the "O" drive.
- (c) The Whittier Police Department "Narcotic Expenditure Request/Buy" form or "Witness Protection Fund Request" memorandum will be filed and maintained by the unit supervisor in the safe.
- (d) The unit supervisor will also log the confidential reliable informant (CRI) number or BR number for each expenditure that is case-related.

## 613.4 MONTH END RECAP

The unit supervisor will complete a monthly expenditure report for the SET Team/Investigative Division cash funds and submit the report to the supervising Lieutenant. The expenditure report will contain a beginning monthly balance, any transactions and associated dates, and a closing

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### *Special Enforcement Team/Detective Division Operating Funds*

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balance. This information will be incorporated into the SET monthly report, which is submitted to the Patrol Division Commander.

#### **613.5 ACCOUNTABILITY**

The unit supervisor will be responsible for verifying that the amount of cash in the safe is identical to the balance on the digital tracking log, which is on the "O" drive. Any discrepancy shall be reported immediately to the supervising Lieutenant. The supervising Lieutenant will audit the SET Team/Investigative Division Operating funds two times a year, coinciding with patrol shift change dates. In addition, representatives from the Administrative Services Department may conduct audits of the SET Team/Investigative Division funds at any time.



# Unmanned Aerial System

## 615.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of an Unmanned Aerial System (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 615.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

## 615.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 615.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 615.4 USE OF UAS

UAS may be used to provide aerial imaging to police personnel to further a legitimate law enforcement operation. All operations must be in compliance with this policy, FAA regulation and with a respect for constitutional rights and privacy. The following are approved uses of UAS:

- (a) Crime scene documentation
- (b) Traffic collision scene documentation
- (c) Searches for missing persons
- (d) Searches for evidence
- (e) Disaster response
- (f) Searches for suspects who are believed to be hiding within a defined incident perimeter
- (g) In support of search warrant operations

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## Whittier PD Policy Manual

### *Unmanned Aerial System*

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- (h) In support of tactical operations, such as barricaded suspects
- (i) Mapping of critical infrastructure for Homeland Security purposes
- (j) Security operations at large public gatherings, where images are not recorded except for criminal behavior
- (k) Critical incident management

The UAS Program Manager or the Watch Commander in their absence can approve the use of UAS outside of these guidelines in the interests of public safety where there is a specific and articulable threat to the safety of the public or police and other aviation assets are not available.

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

#### **615.5 PROHIBITED USES**

The UAS shall not be weaponized, nor shall it be used to:

- Conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- Conduct any business other than official business.

All recording media images, and audio recording are property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Unauthorized use, duplication, and/or distribution of UAS videos are prohibited. Personnel shall not make copies of any UAS videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS videos with the exception of supervisor approval for training purposes.

#### **615.6 PROGRAM MANAGEMENT**

UAS operations will be managed by the Technology team established under the Patrol Division. The Chief of Police will appoint a Lieutenant to act as the Technology Team Commander responsible for the overall direction and performance of the UAS and will exercise command and control over it. The Technology Team Commander will ensure the UAS Unit Operations Manual is completed and approved by the Patrol Division Commander.

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### *Unmanned Aerial System*

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#### **615.7 TECHNOLOGY TEAM SUPERVISOR**

The Technology Team Supervisor will be responsible for direct supervision of the UAS program and its personnel ensuring that policies and procedures established conform to applicable laws and best practices. The Technology Team Supervisor will have the following additional responsibilities:

- Maintaining contact with the FAA and familiarity with pertinent FAA regulations.
- Maintaining all training, flight, and maintenance records for UAS pilots and observers as well as individual airframes
- Facilitate law enforcement access to any images and data captured by the UAS
- Recommending program enhancements, particularly regarding safety and information security.

#### **615.8 TRAINING NEEDS ASSESSMENT**

The Technology Team Commander in collaboration with the Technology Team Supervisors shall conduct an annual needs assessment to ensure training is conducted within unit capabilities, department policy, and training guidelines established by the FAA.

#### **615.9 DEPLOYMENT NOTIFICATION**

The Watch Commander shall be notified prior to deployment of any UAS unless exigent circumstances preclude prior notification. In the event this occurs the Watch Commander shall be notified as soon as practical.

#### **615.10 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

## **Chapter 7 - Equipment**

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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### *Department Owned and Personal Property*

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 702.2 POLICY

The Whittier Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

#### 702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at

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## Whittier PD Policy Manual

### *Personal Communication Devices*

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work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

#### **702.4 DEPARTMENT-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

#### **702.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
  - 1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
  - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
  - 3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment



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### *Personal Communication Devices*

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or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Whittier Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

#### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs, whether provided by the Department or personally owned, that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (d) Members are prohibited from taking pictures, audio or video or making copies of any such picture or recording media unless it is directly related to official department business and with a supervisor's approval when other means of recording the event are not reasonably available. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline. Any recording of official department business on a PCD will follow the Audio/Video Recording policy.

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### *Personal Communication Devices*

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- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any members having knowledge of such conduct shall promptly notify a supervisor.

#### **702.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

#### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

# Critical Equipment Inspection Process

## 703.1 PURPOSE AND SCOPE

Department employees are expected to properly care for, examine, and inspect all department issued equipment in their city vehicle before and after its use. In addition to the regular supplies needed each day (i.e.. crime tape, chalk, ambu bag, first aid kit, etc.) high value and imperative equipment (i.e. rifles, magazines, shotguns and high velocity vests) required by the department for the member's safety must be inspected daily to ensure against theft or loss. The purpose of this policy is to ensure critical equipment is always accounted for and tracked for security reasons.

## 703.2 IDENTIFYING CRITICAL EQUIPMENT

Each vehicle designed for deployment in the field for response to critical incidents must contain at minimum the following ancillary equipment which will have a three (3) digit number matching the vehicle's three (3) digit number:

1. One (1) AR 15 Rifle
2. Three (3) AR 15 magazines
3. One (1) Shotgun
4. One (1) High Velocity Patrol Vest

## 703.3 PROCEDURE FOR INSPECTION

Each member taking a patrol or undercover vehicle, designated to contain the above equipment, shall request a corporal or above to confirm the specifically marked equipment is present and will then complete an inspection log before putting the vehicle into service for each use. Vehicles in the department's fleet are numbered with a three (3) digit identifier specific to that unit. The above mentioned critical equipment will be numbered with the same three (3) digit identifier as the vehicle. This will ensure that every vehicle has these four (4) pieces of equipment and that specific equipment remains with the vehicle for inventory purposes unless that vehicle is taken out of service for a prolonged period of time for maintenance or safety reasons. All numbered critical equipment shall match the unit number. When new vehicles requiring this equipment are introduced to the fleet, it will be the supervisor's responsibility to update the inspection log to reflect the new unit's three (3) digit identifier and notify the training coordinator so the existing equipment numbers on the critical equipment can be changed to match the new unit number.

Before any patrol or undercover unit is used, for any reason, the driver of that vehicle shall inspect the unit for the presence of each of these pieces of critical equipment and verify the numbers match the unit number. They are to have a corporal or above initial the vehicle inspection log indicating the member's name and ID # with the time it went into service and when you took it out of service. The corporal or above will write the number of each piece of critical equipment in the corresponding vehicle inspection log maintained by the supervisor/WC.

Should any piece of equipment be taken out of service for safety reasons or maintenance, a similar "spare" should be retrieved from the department's armory/gun locker. The armory/gun

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### *Critical Equipment Inspection Process*

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locker can only be accessed by a corporal or above who will sign out the "spare" piece of critical equipment indicating what vehicle it will be deployed in and when it was deployed, until the designated numbered equipment for that vehicle is put back into service. On the corresponding vehicle inspection log that unit identifier will then reflect that a "spare" is in that unit instead of its designated numbered critical equipment, with it's unique "spare" number identifying that specific serialized piece of equipment such as "spare 1, spare 2 or spare 3).

The armory/gun locker log shall reflect the location of the deployed spare equipment (i.e. AR Spare 1 is in unit #362; Vest Spare #2 is in #385, etc.). The uniquely numbered critical equipment that is taken out of service should be put in the armory/gun locker and logged for the correct reasons on the armory/gun locker log by a corporal or above. When the vehicle's similarly numbered equipment is ready for redeployment the armory/gun locker log should reflect the deployment of the intended equipment and the return of the "spare" equipment back to the armory/gun locker. When a member has a vehicle with "spare" critical equipment they should notify a corporal or above so they can determine if the assigned equipment is ready in the armory/gun locker to be put back into service. Spare equipment in a vehicle should not be deployed for long periods of time and should trigger the corporal or above to inquire as to the critical equipment's whereabouts. This equipment is audited and tracked daily for security reasons so it does not end up missing or lost.

#### **703.4 PROCEDURE FOR MISPLACED OR MISSING CRITICAL EQUIPMENT**

In the event a member does not find that the numbered critical equipment in their vehicle does not match the three (3) digit number of their unit, a supervisor shall be notified immediately so it can be located. If it cannot be located by a supervisor after an inspection of other vehicles in the fleet and the armory, the supervisor will notify the WC in a memo form indicating when the critical piece of equipment was last seen and what member possessed it last according to the inspection log. It is imperative that every member sign out their vehicle inspection log after use to indicate the equipment was in their vehicle before going out of service.

#### **703.5 INVENTORY AND AUDITS BY SUPERVISORS**

Because this equipment is critical to a member's safety as well as the community's, frequent visual audits should take place by the supervisor of each team. Spontaneous inspections by the supervisor of vehicles for the proper equipment should be done every month to ensure compliance. Missing critical equipment can endanger the officer and the community if not located. Annually, the Training Coordinator in cooperation with the Department Armorer shall conduct a serialized audit of this critical equipment. Daily and monthly inspections by supervisors will ensure accuracy of these yearly audits and promote accountability for issued equipment.

# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

When an officer takes a patrol unit out of service, the officer is responsible for removing all firearms from the vehicle and placing them in the armory. At no time should a non sworn employee remove firearms from vehicles. Additionally, when sworn and non sworn personnel take a vehicle out of service it is that employee's responsibility to notify those, with whom they may share that with, the whereabouts of their personal equipment.

### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher
- 1 Ballistic throw-over vest
- Personal Protective Equipment per § 1016 and § 1024

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### *Vehicle Maintenance*

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#### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 2 sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

#### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

# Rescue Vehicle

## 705.1 PURPOSE

The purpose and scope of this policy is to set guidelines for the use, training, and storage of the Ballistic Armored Transport (BATT) and the Armored Rescue Vehicle (ARV/Peacekeeper).

## 705.2 AUTHORIZATION FOR USE

The use of the BATT and/or ARV will be authorized by the field supervisor and/or the on-duty Watch Commander or SWAT Commander. The use of the BATT and/or ARV will only be for legitimate patrol purposes such as patrol calls involving armed subjects, SWAT callouts, SWAT search warrants, officer or citizen rescues, or authorized training. The BATT and/or ARV may be used for demonstrations, displays, or special events only with the authorization of the SWAT Commander, SWAT Executive Officer or Chief. If the BATT and/or ARV are utilized by patrol personnel, SWAT personnel shall be notified post-incident to conduct a check of the BATT and/or ARV and the fuel level.

### 705.2.1 USE BY OUTSIDE AGENCIES

The use of the BATT and/or ARV by outside agencies will be in accordance with existing mutual aid agreements and at the direction of the Chief of Police or his designee.

## 705.3 OPERATOR TRAINING

Periodic briefing training will be conducted that incorporates the operation of the BATT and ARV as well as patrol tactics when using the BATT and ARV. This training will be conducted by the SWAT team. A valid class "C" California driver's license is required to drive the BATT or ARV.

## 705.4 GENERAL STORAGE AND MAINTENANCE

The BATT and ARV will be secured in a police facility unless they are out for maintenance.

General vehicle maintenance of the BATT and ARV is the responsibility of the City's fleet maintenance department. Officers from the SWAT Team will routinely check the BATT and ARV to ensure operational and tactical equipment is in good working order.

# Automatic Vehicle Locator (AVL) System

## 707.1 PURPOSE AND SCOPE

It is the policy of this Department to install, use, and maintain an Automatic Vehicle Locator (AVL) System in designated police vehicles.

The purpose of the AVL System is, during emergency situations, to assist communications personnel, field supervisors, and the Watch Commander with dispatching units and locating personnel. The AVL System has additional functions intended to provide field personnel with an enhanced mapping and call routing companion to the Computer Aided Dispatch System.

## 707.2 FIELD PERSONNEL

- (a) Department field personnel assigned to a vehicle equipped with an AVL System will have the ability to utilize an enhanced mapping system with call routing information displayed on their mobile computer screen. The AVL System will also have the ability to provide field personnel with their current location.
- (b) Department field personnel assigned to a vehicle equipped with AVL that is not functioning shall immediately report the problem to their supervisor or the Watch Commander and exchange the vehicle for one with a properly functioning AVL System as availability permits.
- (c) Field personnel assigned to a vehicle equipped with AVL shall not unplug, disconnect, or otherwise tamper with the system rendering it non-functional.

## 707.3 COMMUNICATION PERSONNEL

- (a) Will have the ability to utilize the AVL System in order to select and dispatch a unit to a call for service based on their location.
- (b) Will have the ability to utilize the AVL System to locate field personnel involved in emergencies or perceived emergency situations, such as, but not limited to, pursuits, emergency button activations, or a lack of a response to radio transmissions.
- (c) Shall verify that all in-service vehicles equipped with AVL are displayed on the AVL screen in Communications and shall notify any unit when their AVL System is not properly functioning. Notification of the failure shall also be made to the on-duty Watch Commander.
- (d) Other than routine calls for service, Communications Center personnel should use the system to dispatch the closest unit to priority one calls or any call requiring an immediate response. Although the closest unit will ordinarily be dispatched to the scene, it is still the responsibility of the assigned beat unit to respond and handle the call and any report.



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### *Automatic Vehicle Locator (AVL) System*

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- (e) Shall use the AVL System to assist personnel and supervisors involved in pursuits with appropriate transmission regarding location, direction, speed, units involved, and topography.
- (f) Shall use the AVL System to assist units and supervisors in the establishment of crime scene perimeters and area searches.
- (g) Shall use the AVL System to assist personnel in locating units who fail or are unable to respond to radio or MDC transmissions.

#### **707.4 MANAGEMENT/SUPERVISORY PERSONNEL**

- (a) An AVL screen will be placed in the Watch Commander's office to assist with effective and efficient deployment of personnel.
- (b) The system is not intended to be used as a management/supervisory tool to routinely or randomly monitor the movements of individual field personnel. However, supervisors may access the AVL system at their discretion.
- (c) While the AVL system is not intended as a disciplinary tool, supervisors shall investigate allegations of misconduct by accessing all available information, including information viewed, captured and/or retained in the AVL System.

#### **707.5 AUTOMATIC VEHICLE LOCATION (AVL) DATA**

The AVL System, once upgraded, is capable of storing historical data relating to a variety of information about each patrol unit for a given date and time, including call sign, unit status, incident type, location, speed, and heading. All data from the MDC system will be stored on the department server for a period either dictated by statute, otherwise, they are not to be kept for a period of longer than 6 months.

#### **707.6 ACCESS TO AUTOMATIC VEHICLE LOCATION (AVL) DATA**

Access to any AVL data may be permitted for a variety of purposes including, but not limited to:

- (a) The AVL System Database may only be reviewed by management/supervisors or an investigator participating in an official department investigation, such as a personnel complaint, claims investigation, administrative inquiry, or criminal investigation.
- (b) Response to criminal or civil subpoenas requesting data stored in AVL database.
- (c) No employee shall make an inquiry into or audit the AVL records unless specifically authorized by the Chief of Police or Division Commander.
- (d) Department personnel may request a review of the AVL System Database for their assigned vehicle in order to assist in reconstructing and documenting their movement in situations such as a pursuit. This request should be made to the on-duty Watch Commander who will be responsible for authorizing the release of this data in the absence of the Chief of Police or Division Commander. The manager of the Police Department I.T. Unit will be responsible for any retrieval of AVL data.

# Personal Protective Equipment

## 708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 708.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device issued by the department that is worn by the user to protect from exposure to atmosphere where there is the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 708.2 POLICY

The Whittier Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 708.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

## 708.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Training Coordinator shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

#### **708.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection will be provided on an "as needed" basis per the direction of the watch commander. Gear will be stored in the room to the rear of the department gym.

#### **708.7 RESPIRATORY PROTECTION**

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **708.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use the appropriate respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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#### **708.7.4 SELF-CONTAINED BREATHING APPARATUS**

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

#### **708.7.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

#### **708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### **708.8 RECORDS**

The Training Coordinator is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

#### **708.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

# Military Equipment

## 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### *Military Equipment*

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#### **709.2 POLICY**

It is the policy of the Whittier Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **709.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Whittier Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

#### **709.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

[See attachment: WPD 709.4 Military Equipment Inventory List 7-23.pdf](#)

#### **709.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.



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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

#### **709.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment deployed or used by any member of this jurisdiction shall be approved for use and in accordance with this Department's policy. Military equipment deployed or used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies. Situations may arise where Whittier Police Department may deploy or use military equipment owned by other law enforcement agencies.

The Whittier Police Department hereby adopts the military equipment use policy as is approved and may be amended from time to time, under Government Code section 7070 et seq., for jurisdictions that the Whittier Police Department may engage with to provide mutual aid. This section is in no way a limitation to the ability of the Whittier Police Department to deploy or use the military equipment of another jurisdiction.

#### **709.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

#### **709.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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#### **709.9 COMPLIANCE PROCEDURE**

1. The Administration Bureau will ensure that all Department members comply with this policy. The Administration Bureau will conduct an annual audit with the assistance of the Professional Standards Bureau. The Chief of Police or designee will be notified of any policy violations, and, if needed, the violation(s) will be referred to the Professional Standards Bureau and handled in accordance with WPD Policy 921 (Internal Affairs Investigations). All instances of non-compliance will be reported to City Council via the annual military equipment report.

2. Any member of the public can register a question or concern regarding military use equipment by contacting the Whittier Police Department's Administration Bureau via email at [pdadmin@cityofwhittier.org](mailto:pdadmin@cityofwhittier.org). A response to the question or concern shall be completed by the Department in a timely manner.

3. Any member of the public can submit a complaint to any member of the Department and in any form (i.e., in-person, telephone, email, etc.). Once the complaint is received, it should be routed to the Professional Standards Bureau in accordance with WPD Policy 921 (Personnel Complaints).

## **Chapter 8 - Support Services**

# Crime Analysis

## 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

## 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

## 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

# Communication Operations

## 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 802.2 POLICY

It is the policy of the Whittier Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

## 802.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and department members with a specific business-related purpose.

## 802.4 9-1-1 SYSTEM

The statewide 9-1-1 emergency system funded the ability for each public safety agency that is a reception site for 9-1-1 calls to establish an alternate site. Our alternate site location is the La Habra Police Department.

In the event of a failure of our 9-1-1 system, we can reroute all 9-1-1 calls generated from the City of Whittier into the La Habra Police Department Communications system. The La Habra Police Department has agreed to handle our 9-1-1 calls until our system becomes operative.

### 802.4.1 PROCEDURE

Notification of 9-1-1 failure; the following persons should be notified as soon as possible in the event of a 9-1-1 system failure:

- (a) Chief of Police
- (b) Support Services Manager
- (c) On-Duty Station Commander
- (d) Communications Supervisor
- (e) Verizon 911
- (f) The La Habra Police Department must then be notified and requested that they take our 9-1-1 calls.
  - 1. Direct dial numbers are 562 383 4309

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2. In the event that our phone lines are down and no cellular phone is available, a police unit should be dispatched to the La Habra Police Department for the notification.

#### **802.4.2 PERSONNEL**

##### **(a) Call Receipt Operators**

1. If, due to workload, the La Habra Police Department requests assistance in answering calls, we will provide either a dispatcher, clerk, or matron clerk and they shall be transported to La Habra Police Department. The Station Commander or Communications Supervisor shall decide who to send to La Habra.

##### **(b) Police Unit**

1. In the event that phone connections are down, a Whittier Police Unit may be used at La Habra to communicate with Whittier units. A portable radio will not work from inside the La Habra Police Department.

##### **(c) Command Post**

1. The Emergency Command Post should be activated and utilized in the event that the 9-1-1 system is down for extended lengths of time.

#### **802.5 RESPONSIBILITIES**

##### **802.5.1 COMMUNICATIONS SUPERVISOR**

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Services Division Commander.

The responsibilities of the Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

##### **802.5.2 ADDITIONAL PROCEDURES**

The Communications Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.

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- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Handling misdirected, silent and hang-up calls.
- (i) Handling private security alarms, if applicable.
- (j) Radio interoperability issues.

#### 802.5.3 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.
  - 2. Business telephone lines.
  - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  - 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
  - 1. Vehicle pursuits.
  - 2. Foot pursuits.

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3. Assignment of emergency response.
4. Calls that are holding

#### **802.6 CALL HANDLING**

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

It is the expectation of the Department that calls for service generated by the community are dispatched as quickly as possible. Whenever appropriate field resources are available, calls should be prioritized and dispatched without unnecessary delay.

Calls designated as Priority 1 should be dispatched within 5 minutes of the incoming call whenever possible.

- Priority 1 calls are designated so in the CAD system based on a combination of Call Type and Status. Examples of Priority 1 calls are the following when they are reported as “in progress” or “just occurred”: Homicide, Robbery, T/C with injuries, Rape, Aggravated Assault, Man Down. Other calls reported can be made Priority 1 by a dispatcher at the time of entering them into the CAD system.

In order to efficiently dispatch calls for service when field resources are not readily available, dispatchers should employ the following practices as necessary: advise officers over the radio to determine if they can clear from their current call(s); notify field supervisors over the radio of significant calls holding; call the reporting party to advise of substantial delays in response (notate contact with R/P in CFS).

Dispatchers should notify the on duty Watch Commander if the above measures have not been successful in ensuring the efficient dispatching of calls for service.

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and



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a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **802.6.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **802.6.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

#### **802.7 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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### *Communication Operations*

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#### **802.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Whittier Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **802.7.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **802.8 DOCUMENTATION**

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **802.9 CONFIDENTIALITY**

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to

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authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### **802.10 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## Property and Evidence Section

### 804.1 POLICY

It is the policy of the Whittier Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

### 804.2 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

#### 804.2.1 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

### 804.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their 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.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

#### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

#### 804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Bureau and detectives. The remaining copy will be detached and submitted with the case report.

#### 804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The Los Angeles County Sheriff's bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

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- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician, or placed in the bicycle storage area until a Evidence Technician can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$400 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 804.3.5 HANDLING CASH

The money envelope serves as the sole method for logging cash money into the property room. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items are not to be used with the money envelope. The Property Officer will not accept money that has not been packaged and logged appropriately and according to the following procedures:

- (a) Money is to be itemized by denomination listing sub totals and total amounts.
- (b) All money logged into the property room will require at least two officers or employees to verify the count.
- (c) All money envelopes **MUST CONTAIN AT LEAST TWO** signatures verifying the amount listed and enclosed. The entering officer and verifying officer shall sign their names and numbers to the front of the envelope, seal the envelope with tamper-proof security tape, then both must initial the back of the envelope prior to entering into the property locker.

Note: It is strongly suggested that two separate counts be conducted with large amounts of cash. Extremely large amounts of coin and/or currency might be seized which, because of the container or quantity of money, make it impractical to package in the money envelope (e.g., coins stored in a large piggy bank or water bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container containing the money as is. However, a money count and completion of the money form must still be done. The money envelope can be taped to the container; however, officers submitting the money should secure the container as necessary with evidence tape to prevent tampering.

#### 804.3.6 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

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- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

#### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

##### **804.4.1 PACKAGING CONTAINER**

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

##### **804.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by one copy of the property card. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report. A photograph of the narcotics shall be taken. An LASD Property receipt shall be completed and placed in the locker with the evidence. The "J" number shall be recorded on the property card and included in the crime report.

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Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

#### **804.5 RECORDING OF PROPERTY**

The Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Whittier Police Department shall be noted in the property logbook.

##### **804.5.1 EVIDENCE PROCESSING REQUEST FORM**

- (a) The Evidence Processing Request Form is used to submit evidence to the Identification Bureau for processing for latent prints.
- (b) The requestor shall complete the form and submit the form to the Identification Bureau.
- (c) The Identification Bureau will then record the form and submit the form to Property via the designated property locker.
- (d) Property will then gather the evidence, sign the evidence out to ID, and then place the evidence in the designated property locker with the form.

#### **804.6 PROPERTY CONTROL**

Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Evidence Technician at least one day prior to the court day.

##### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out any time after booking of the property or evidence.

##### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.



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The Evidence Technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

#### 804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Evidence Technician shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

#### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### 804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered

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on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### 804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

#### 804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

Property 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 and Safety Code § 11364.

#### 804.6.8 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

#### 804.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare

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and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

#### **804.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Whittier Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

#### **804.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION**

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be

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disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

#### 804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

#### 804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

#### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

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- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

#### **804.7.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS**

The Property and Evidence Section supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

- (a) Identification of firearms and other weapons that need to be destroyed
- (b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
- (c) Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency
  - 1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

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The Property and Evidence Section supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Whittier Police Department website (Penal Code § 18005).

#### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

#### **804.9 PROPERTY TECHNICIANS**

A Property Technician shall serve as the Department's Property Officer. He/She is responsible for maintaining security and control of property and evidence that the Police Department acquires through normal duties and responsibilities. The Property Officer will be assigned to the Support Services Bureau.

- (a) Personnel assigned to the property room must possess a valid California Driver license and have a good work record.
- (b) Duties of the Property Officer require excellent organizational skills, initiative and resourcefulness. The work involves high frequency contact with the public requiring the person to have good interpersonal and communication skills.
- (c) The position requires that the Property Officer be able to work with minimum supervision. The Property Officer must have the ability to communicate orally and in writing, be able to operate a computer terminal and specialized software related to inventory control, and maintain a working relationship with a variety of individuals and organizations.
- (d) The Property Officer must have the ability to effectively organize work assignments and establish priorities with minimum supervision.
- (e) The Property Officer must have a good working knowledge of California rules of evidence, Penal Code, Government Code, Civil Code, Health and Safety Code, Administrative Code, and other related codes as they apply to the evidence/property function.

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#### 804.9.1 SPECIALIZED TRAINING

The recommended training for the Property Officer is satisfactory completion of a POST approved basic course on the management of the property function, on the job training, and other related training courses, seminars and/or conferences as appropriate.

#### 804.9.2 JOB DUTIES AND RESPONSIBILITIES

The primary duty of the Property Officer is to log, classify, store, dispense, destroy, and release property/evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include, but are not limited to:

- (a) Maintain evidence, found and stored property in such a manner that the individual items are secure from theft, loss or contamination, and can be located in a timely manner.
- (b) Maintain property reports and other documentation associated with the "chain of custody" for all property.
- (c) Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Department.
- (d) Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
- (e) Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
- (f) Release of property for court, to persons legally entitled, for auction and for disposal.
- (g) Supervise, train, and evaluate other Department personnel assigned to the Property Room.
- (h) Provide in-service training to Department personnel regarding the appropriate logging, packaging, documenting and storage of property and evidence.
- (i) Provide effective liaison between the Police Department and local, county, state and federal law enforcement agencies.
- (j) Represent the Department while attending state and local associations involved with the management of property and evidence.
- (k) Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
- (l) Maintain a clean and orderly property storage facility.

## Records Bureau

### 806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Whittier Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

### 806.2 POLICY

It is the policy of the Whittier Police Department to maintain department records securely, professionally, and efficiently.

### 806.3 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Record's Supervisor should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California Department of Justice is notified.

### 806.4 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### 806.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.



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### *Records Bureau*

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#### **806.6 CONFIDENTIALITY**

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

## Digital Imaging

### **807.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for maintaining evidentiary integrity of all digital images through photographing, processing, storage, dissemination and control of such images.

### **807.2 ID BUREAU RESPONSIBILITY**

All digital image evidence shall be processed through, stored, and disseminated by the Whittier Police Department's I.D. Bureau.

### **807.3 USE OF DIGITAL IMAGES**

Digital photography and digital imaging technologies are to be used for the following purposes:

- (a) Historical documentation, training, publications, public relations. These photos will be assigned event numbers based on the date the photos were taken.
- (b) Crime scene photographs to create a visual record of evidence found and/or the overall conditions at the scene of crimes. Crime scene digital images shall not be deleted in the field.
- (c) To capture and store latent fingerprints, trace evidence and other objects of an evidentiary nature for comparison or analysis purposes. These digital images should be photographed in an uncompressed file format of either TIFF or RAW. Images described herein will only be taken by members of the ID Bureau. Any alterations of images performed by the ID Bureau shall be properly documented.
- (d) Personal cameras shall not be used to take photographs of crime/accident scenes or any other photographs related to official police business unless authorized by a supervisor.

### **807.4 CARE OF EQUIPMENT**

Equipment utilized in imaging (cameras, lenses, flashes, scanners, etc.) should be checked regularly for proper performance. All equipment should be maintained according to the manufacture's specifications and recommendations as contained in the operating manuals. When a piece of equipment or system fails to operate properly, the item(s) should be taken out of service and the ID Bureau notified. Employees who are assigned photographic equipment shall ensure the equipment is properly functioning and free of damage prior to its use.

#### **807.4.1 IMAGE CAPTURE DEVICES**

Digital images shall only be captured with approved Whittier/Santa Fe Springs Police Department-owned photographic equipment. Employees shall not use personal digital photographic equipment for official use.

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#### **807.4.2 IMAGE COMPRESSION**

If a lossy (JPEG) compression is used, then the highest quality option is recommended to limit the chances of losing critical information or the introduction of unwanted artifacts into the image. Images saved and printed from a compressed (JPEG) image with the least amount of compression used, are acceptable in court as long as a person can testify that the image is "a fair and accurate representation" of the scene they originally photographed.

#### **807.4.3 DIMS DOWNLOAD STATIONS**

Images taken with approved WPD photographic equipment shall be downloaded at one of the DIMS (Digital Image Management System) download stations located inside the Property Bureau, Whittier Detective Bureau, Police Services Center, or the Santa Fe Springs Staging Facility. The exception to this requirement will be the processing of booking photos, narcotic, sex and arson registrant photos. Both booking and registrant photos will be added to RMS (Records Management System) and linked to the subject's global record.

Memory cards shall not be downloaded into a non-DIMS download station, personal computer, or other digital storage device that has not been approved by the I.D. Bureau. In addition, images from the camera card shall not be deleted, copied, transferred, emailed, or printed prior to downloading into the DIMS system.

Only Whittier detectives may utilize the DIMS download station in the Detective Bureau. Similarly, only Detectives in Santa Fe Springs may utilize the DIMS download station at the Police Services Center. Should the download station located in the Property Bureau or Staging Facility become inoperable, a sergeant or watch commander should be contacted, as they will have administrator rights to all download stations.

#### **807.4.4 DOWNLOADING ERRORS**

In the event a download or corrupt file error occurs while utilizing one of the DIMS download stations, remove the camera card and forward to the ID Bureau with a written explanation what occurred. Should a DIMS download station fail to operate properly, notify the ID Bureau.

#### **807.5 IMAGE RESIDENCE**

Digital images taken with WPD owned cameras will reside in the main DIMS located in the ID Bureau. Images will then be sent to two secure data storage servers. After all images have been transferred from the camera card or other media, the images are then only accessible by photo lab personnel within the ID Bureau or personnel with administrator rights and are completely unalterable.

#### **807.6 TRANSMISSION AND DISTRIBUTION OF DIGITAL IMAGES**

The original TIFF or RAW or JPEG image upon capture will remain in its unaltered form as do negatives from standard film. Subsequent photographic reprints will only be produced by the ID bureau from copies of the original file to maintain the evidentiary integrity of original image. Distribution of such copies may be in the form of a CD, DVD, floppy disk, Zip, or Jazz. All

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### *Digital Imaging*

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photographic reprints should be treated as the original photograph and may be used for authorized law enforcement purposes only.

#### **807.6.1 OBTAINING COPIES OF DIGITAL IMAGES**

Those personnel authorized to obtain photographs for official purposes must submit a "request for service" form to the ID Bureau indicating the case number, type of crime, number of copies needed, the format required (print, CD, DVD, etc.), and the date they are needed. Personnel should also indicate the preferred method of delivery (interoffice mail, pick-up). Anyone other than Department personnel or the district attorney will be charged the monetary rate that is currently in effect and must submit such requests through the custodian of records.

#### **807.6.2 IMAGE OUTPUT**

Any output devices being utilized should be capable of producing an accurate representation of the original input image. Regardless of the final output (print, CD, DVD, etc.) all images are the property of the Whittier Police Department and may only be used for law enforcement purposes.

### **807.7 TRAINING OF PERSONNEL**

The ID Bureau shall initially train all personnel in the use of digital imaging devices and related equipment. Quarterly evaluations will be performed by the ID Bureau to confirm image quality including, but not limited to consistency of focus, exposure, and composition.

#### **807.7.1 CAMERA ASSIGNMENT**

The ID Bureau will assign cameras to various divisions, bureaus, and teams within the Department including, but not limited to: Patrol Division, Detective Bureau, Narcotic Bureau, SET Team, Entry Team, and Administration. Patrol Division cameras will be maintained in a secured locker in the sally port to be checked in and out by the supervisor or watch commander. A patrol assignment log shall be maintained for at least a one-month period for tracking purposes. All other issued cameras will be assigned to the specific supervisor within that group (i.e., narcotics, entry team, SET team, etc.) who then may assign it to an employee under their span of control. Employees assigned cameras and related equipment shall ensure proper care of such equipment and immediately report loss or damage to their immediate supervisor.

#### **807.7.2 PATROL SUPERVISOR CAMERA**

Additional smaller digital cameras are available for patrol supervisor use and are maintained in the watch commander's office. Each supervisor desiring to obtain a camera for use during their shift shall complete the assignment log also maintained in the watch commander's office.

### **807.8 GRAFFITI TRACKER PROGRAM - DIGITAL IMAGES**

Specific Department-owned digital cameras are assigned for the Graffiti Tracker Program. Photographs taken with these cameras are electronically uploaded directly to the Graffiti Tracker Program website and therefore bypasses the Digital Image Management Systems maintained by this Department. Graffiti Tracker will be responsible for maintaining these photographs.

# 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 Whittier Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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### *Restoration of Firearm Serial Numbers*

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#### **808.2.3 OFFICER RESPONSIBILITY**

The Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

#### **808.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **808.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the investigator will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

#### **808.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

# Records Maintenance and Release

## 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

## 810.2 POLICY

The Whittier Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

## 810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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#### **810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

##### **810.4.1 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
  - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.



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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

#### **810.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
  1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying

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or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
  1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
  1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/CountyAttorney], the City Attorney, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

#### **810.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **810.7 SEALED RECORD ORDERS**

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

##### **810.7.1 SEALING JUVENILE RECORDS**

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor

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should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Supervisor or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

#### **810.8 SECURITY BREACHES**

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
  - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
  - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
  - 3. Medical information
  - 4. Health insurance information
  - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
  - 6. Unique biometric data
  - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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#### **810.9 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

##### **810.9.1 DELAY OF RELEASE**

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

##### **810.9.2 NOTICE OF DELAY OF RELEASE**

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

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Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

#### 810.9.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

#### 810.9.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

## Protected Information

### 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Whittier Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Whittier Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 812.2 POLICY

Members of the Whittier Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 812.3 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

### 812.4 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information--that person will be the Records Supervisor who is designated as the agency CLETS Coordinator.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.

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- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **812.5 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Whittier Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

##### **812.5.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

#### **812.6 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

##### **812.6.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).



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#### 812.6.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### 812.7 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information--that person will be the Information Systems Analyst who is designated as the security point of contact.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### 812.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## **Chapter 9 - Personnel**

# Recruitment and Selection

## 900.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Whittier Police Department and that are promulgated and maintained by the Department of Human Resources.

## 900.2 POLICY

In accordance with applicable federal, state, and local law, the Whittier Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 900.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites

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1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
  1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
  2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index
- (l) Any relevant information in the National Law Enforcement Accountability Database

#### 900.3.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

#### **900.4 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Whittier Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

#### 900.4.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

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#### 900.4.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

#### 900.4.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### 900.4.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the

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social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

#### **900.4.5 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

#### **900.4.6 BACKGROUND INVESTIGATION UPDATE**

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Whittier Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

#### **900.4.7 INVESTIGATOR TRAINING**

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

#### **900.4.8 CONFIDENTIAL POST RECORDS**

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

### **900.5 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

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- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **900.6 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

##### **900.6.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

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- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951)
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

#### 900.6.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)



## Evaluation of Employees

### 902.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 902.2 POLICY

The Whittier Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 902.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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#### 902.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

#### 902.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary employees may be evaluated daily, weekly and or monthly during the probationary period.

#### 902.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### 902.5.1 PERSONNEL RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

##### **Sworn Rating Categories**

**Exceptional** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Successful** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position.

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Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement.

#### **Non-Sworn Rating Categories**

**Outstanding** - Total work performance is definitely superior and well above the standards of performance required for the position. Justification must be presented in writing to substantiate this evaluation.

**Very Good** - Total work performance is consistently above the requirement of the position. This is the performance which, while not outstanding, is always above that which is expected of the position.

**Competent** - The work performance is consistently up to or somewhat above the requirement for the position. This is the performance which is expected of a trained and qualified employee.

**Improvement Needed** - Total work performance is below the standards of performance required for the position. This evaluation indicates that serious effort is needed to improve performance.

**Unsatisfactory** - Total work performance is inadequate and definitely inferior to the standards of performance required for the position. Factual evidence must be presented in writing to substantiate this rating.

#### **902.5.2 PERFORMANCE STANDARDS**

Raters who are required to evaluate their personnel will do so on the Department approved evaluation form. The evaluation will consist of the following performance standards and will receive the requisite rating for each category of Exceptional, Successful, or Needs Improvement. Comments should be documented in the Summary/Additional Information area.

The rater will select the appropriate rating in the column that best describes the employee's performance. The general Patrol Performance Standard are as follows, however special assignments may have slightly different categories and expectations based on their duties:

#### **Sworn Rating Categories**

##### **I. ENFORCEMENT/SERVICE DELIVERY**

##### **II. REPORTS/WRITTEN WORK**

##### **III. SAFETY**

##### **IV. TEAMWORK AND INTERNAL RELATIONS**

##### **V. PUBLIC RELATIONS, CUSTOMER SERVICE**

##### **VI. WORK HABITS**

##### **VII. APPEARANCE AND GROOMING**

##### **VIII. EQUIPMENT USE AND MAINTENANCE**

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#### **Non-Sworn Performance Standards**

1. **Quantity**
2. **Quality**
3. **Work Habits**
4. **Personal Relations**
5. **Adaptability**
6. **Other**
7. **Supervisory Ability (Only for Supervisors)**

#### **902.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

##### **902.6.1 DISCRIMINATORY HARASSMENT FORM**

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

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#### **902.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

#### **902.7 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

#### **902.8 EVALUATION OF PART TIME EMPLOYEE'S**

Evaluations shall be completed in narrative form. The employee's supervisor may evaluate the employee's performance at any time. However, at a minimum, the employee will receive one evaluation every twelve months (determined by date of hire). The number of hours worked by the employee during the evaluation period has no bearing on the timing of said evaluation.

##### **902.8.1 TRACKING**

A list of part time employees, along with their date of hire, shall be held in the office of the Chief of Police. The Chief's secretary, or another designated employee, shall issue a list of the names and performance review dates one month prior to the due date of the evaluation. The list shall be disseminated to division commanders for appropriate distribution.

##### **902.8.2 PAY INCREASES**

When the supervisor demonstrates, through the written evaluation process, that the part time employee's performance is above average or higher, then the supervisor may recommend, with the Division Commander's approval, an increase of up to 5%, within the employee's designated pay range. With the concurrence of the Division Commander and the Chief of Police, an increase of greater than 5% may be granted for exceptional performance.

## Special Assignments and Promotions

### 904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments or transfers within the Whittier Police Department.

### 904.2 ROTATIONAL POLICY

It is the philosophy of the Department that the rotation of employees among "specialized" positions is important for the development of personnel and for ensuring the long-term delivery of quality service to the communities that we serve. Specialized positions are those positions not assigned to a uniform patrol team whose primary responsibilities include responding to calls for service.

As a general guideline, employees should be rotated to a uniform patrol assignment after serving five continuous years in any assignment, or combination of assignments, away from uniform patrol. A tentative out date should be included in all transfer orders. Before a candidate is eligible for any special assignment they must have had at least one full-year in patrol at the time the application is due. Applications received for a special assignment before the minimum one-year in patrol will not be considered unless waived by the Chief.

Special attention will be paid to specific detective bureau case loads and motor positions that require extended experience and/or training to be effective in the performance of their duties. These positions include the Homicide Desk, Robbery Desk, Fraud Desk, Sex Crime Desk, and motor positions in Whittier/Santa Fe Springs and Santa Fe Springs.

The Division Commander with concurrence from the Chief of Police will have the discretion to extend the time a detective/motor may work in these special assignments. The extension(s) may be assigned in one year increments up to a maximum of eight years of total service in a specialty assignment.

Decisions regarding the selection and rotation of personnel should consider the following:

- (a) First and foremost, the delivery of quality service by our Department.
- (b) The length of time an employee has been in a specialized assignment.
- (c) The length of time an employee has been out of uniform patrol.
- (d) The provision of career development opportunities for employees who have demonstrated through their performance an interest and a commitment to assuming a particular assignment.

### 904.3 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Whittier/Santa Fe Springs Department of Human Resources.

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#### **904.4 POLICY**

The Whittier Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

#### **904.5 SPECIAL ASSIGNMENT POSITIONS**

The following positions are considered special assignments and not promotions:

- (a) Detective
- (b) Motor officer
- (c) Bicycle Patrol officer
- (d) Canine Handler
- (e) Collision Investigator
- (f) Field Training Officer
- (g) Community Relations/Training Officer
- (h) School Resource officer
- (i) MET Officer
- (j) Special Enforcement Team Officer
- (k) Community Impact Team Officer
- (l) Whitwood Mall Officer
- (m) P.O.P. Team
- (n) Personnel Officer (recruitment officer)

##### **904.5.1 GENERAL REQUIREMENTS**

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience at time of application unless otherwise waived by the Chief of Police
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as enforcement activities, investigative techniques, report writing, public relations etc.
- (e) Possession of or ability to obtain any certification required by POST or law
- (f) Exceptional skills, experience, or abilities related to the special assignment
- (g) Review of personnel file including performance evaluations for the last three years

##### **904.5.2 EVALUATION CRITERIA**

The following criteria will be used in evaluating candidates for a special assignment:

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- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership skills
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to department goals and objectives in a positive manner

#### 904.5.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) An oral interview by a panel of internal personnel approved by the Division Commander
- (b) The Division Commander will schedule interviews with each candidate.
  - 1. Based on panel recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.



# Reporting of Arrests, Convictions, and Court Orders

## 910.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Whittier Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

## 910.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 910.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

## 910.4 REPORTING

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter

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was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

#### **910.4.1 NOTIFICATION REQUIREMENTS**

The Administration Division Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

#### **910.5 POLICY**

The Whittier Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

## Drug- and Alcohol-Free Workplace

### 912.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 912.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 912.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty. Members who have consumed an amount of an alcoholic beverage or taken any medication, or a combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 912.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 912.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 912.4 MEMBER RESPONSIBILITIES

Members shall not report for work while their ability to perform their job duties is impaired due to alcohol or drug use. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using alcohol or controlled substances on Department premises or on

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Department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to alcohol or drug use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **912.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **912.6 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

"Reasonable suspicion" is based on objective factors which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or the ability to perform the job safely is reduced.

Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol or drugs, include but are not limited to, direct observation of one or any combination of the following; the below list is not all inclusive, nor are the symptoms absolute signs of substance abuse:

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1. Slurred speech;
2. Odor of Alcohol;
3. Unsteady walking or movement; Glassy or bloodshot eyes;
4. Behavior that is highly unusual or uncharacteristic for the particular employee;
5. Possession of alcohol, drugs, or drug paraphernalia in the workplace;
6. Involved in a motor vehicle collision with a City vehicle which causes bodily injury to third parties or the employee and the employee's actions cannot be immediately ruled out as contributing to the accident
7. Sleeping on the job;
8. Difficulty performing simple tasks such as counting, touching nose, etc;

B. Informs the employee of the specific facts supporting its reasonable suspicion and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that he/she may refuse the screening test but that refusal may result in dismissal or other disciplinary action.

#### **912.7 SCREENING TESTS**

- A. If the alcohol and/or drug screening test is negative, the employee will be returned to work.
- B. If an initial screening test indicates the presence of alcohol and/or drugs, an appropriate confirmation test will be conducted, including split sample testing of any blood or urine collected from the employee for the alcohol and/or drug screening test.
- C. Employees who are confirmed positive for the presence of controlled substance(s) must provide verification within 72 hours after being requested to do so by the employee's appointing authority that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **912.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **912.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

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The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 915.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

### 915.2 POLICY

It is the policy of the Whittier Police Department to provide eligible employees with a sick leave benefit.

#### 915.2.1 NOTIFICATION

Employees shall telephonically notify the Watch Commander as soon as they are aware that they will not be able to report to work when working a position (Whittier/SFS Patrol, Patrol OT, SRO, Dispatch, etc) that requires it be backfilled. At a minimum, employees shall make such telephonic notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the watch commander in the case of an emergency, the employee shall notify Dispatch telephonically--written forms such as text or email do not qualify. This protocol only applies to those assignments which may require it be backfilled immediately (i.e. Whittier/SFS Patrol, Whittier/SFS Patrol OT, Dispatchers, SRO, etc). Employees in special assignments (i.e. Narcotics, SET, Traffic, Administration, Investigations, etc), who are not filling a backfill position (Patrol Augment, Patrol OT, Draft, etc) in Patrol, will continue to notify their immediate supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave (Labor Code §246).

### 915.3 USE OF SICK LEAVE

Sick leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

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Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### **915.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

#### **915.5 ATTENDANCE CALENDAR**

In addition to the notification requirements by employees the supervisor will be required to do the following:

- (a) Supervisors shall use the "Attendance Calendar" to chart employee attendance and absences at the end of each evaluation period.
- (b) Supervisors shall use the Attendance Calendar as a management tool to help them identify exemplary attendance and/or patterns of excessive use or abuse of sick leave.
- (c) The Attendance Calendar shall be attached to the employee's evaluation.
- (d) If a supervisor recognizes a pattern of absences, i.e., absences in conjunction with days off, one day a month absences, absences in conjunction with holidays, etc., the supervisor shall counsel the employee and document such counseling in the employee's evaluation.
- (e) In evaluating sick leave use, the supervisor will consider circumstances for absences in conjunction with total hours used, number of occurrences, and/or days off.

##### **915.5.1 EXEMPLARY ATTENDANCE**

Exemplary attendance shall be defined as no use of sick leave and no times tardy in a 12 month period (personal necessity time excluded).

- (a) Supervisors shall document exemplary attendance in the employee's performance evaluation.
- (b) Supervisors are encouraged to acknowledge attendance that, while not exemplary, is above the shift average. Acknowledgement shall be made in the employee's performance evaluation.

##### **915.5.2 EXCESSIVE ABSENTEEISM-DISCIPLINARY ACTION**

- (a) Abuse or excessive use of sick leave, including but not limited to unauthorized absence, a pattern of absences on specific days of the week or failure to provide



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medical verification, may be cause for disciplinary action up to and including termination.

- (b) If the employee does not show improvement, the employee shall be required to furnish a medical certificate for each such subsequent absence of one day or more.
- (c) Abuse of sick leave or excessive use of sick leave shall lead to discipline up to and including termination.

#### **915.6 REQUIRED NOTICES**

The Personnel Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

#### **915.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

## Shift Trades

### 916.1 PURPOSE AND SCOPE

To establish a uniform and consistent policy to govern the exchange of work hours between employees for a temporary period of time.

#### 916.1.1 GENERAL

There are times when an employee desires time off or relief from work and when, due to staffing requirements, supervisors are not able to approve these requests. Trade requests for overtime or para-police assignments will follow the same protocol as that shift trade requests. On these occasions, it is often possible for an employee to arrange a "shift trade" with another employee for a temporary and limited period of time. This allows the employee the time off that they desire and allows the department to retain the integrity of staffing standards. "Shift trades" are specifically discouraged when employees have sufficient leave time, and staffing standards for the department will not be compromised. This policy will establish procedures to be followed when a "shift," "overtime," or "para-police" trade is desired.

- (a) The initiation of shift, overtime, or para-police trades is the responsibility of the employees involved in the exchange of working hours.
- (b) All "shift trades" must take place, and be repaid within the same pay period work weeks (Saturday of the first week, through Friday of the second week).
- (c) Employees who are entitled to shift differential are advised that no changes will be made in compensation for shift trades sought by the employees involved, and mutually agreed upon. Example: A dispatcher working AM shift (receiving shift differential) who trades a shift with a dispatcher working the day shift (not receiving shift differential), would both be compensated at their same current rates. The AM watch dispatcher would not receive a lesser rate for the day shift worked, nor would the day watch dispatcher receive shift differential pay for the AM shift that they worked.
- (d) Requests for shift, overtime, or para-police trades shall be submitted in memorandum form to the employee's supervisor(s) for approval. The memorandum shall include the specific dates and times to be exchanged, indicate the agreement of both employees involved, and are signed by the employees requesting the trade. When a request for a shift trade involves employees being compensated at different rates of pay due to "shift differential pay," there will be no changes in their individual hourly compensation as the exchange is being accommodated as the result of the requested shift trade. Requests for shift, overtime, or para-police trades should be submitted in a timely manner to ensure adequate review by the supervisor(s).
- (e) Supervisors completing the daily time sheet will ensure that it accurately reflects the hours worked by each employee. When "shift trades" occur, they will be shown on the timesheet consistent with proper reporting practices.
- (f) The timekeeper is to receive a copy of the memorandum requesting and approving any "shift trade."

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- (g) The supervisor(s) reviewing (and approving) a requested shift trade is responsible for ensuring that the above provisions are complied with.
- (h) The supervisor(s) reviewing (and approving) a requested overtime or para-police trade is responsible for ensuring the trade is properly recorded and that copies of the trade requests are placed in each officer's divisional file.

# Communicable Diseases

## 917.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 917.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Whittier Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 917.2 POLICY

The Whittier Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 917.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
  - (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
  - (a) Engineering and work practice controls related to airborne transmissible diseases.
  - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

#### **917.4 EXPOSURE PREVENTION AND MITIGATION**

##### **917.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored. Red waste receptacles are located in the jail and are marked.

#### 917.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

### **917.5 POST EXPOSURE**

#### 917.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) For contaminated clothing such as uniforms and undergarments, they shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing cannot be reasonably cleaned provide a memo to the supervisor following the protocol for replacement request of duty clothing or equipment.
- (c) For contaminated leather such as boots or belt, they shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the leather, it will be discarded. In this case provide a memo to the supervisor following the protocol for replacement request for duty equipment.
- (d) For contaminated vehicles and components such as seats, radios, and doors, they shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible or when practical contact the listed vendor in the watch commander's office to perform the decontamination. Ensure all receipts are forwarded to the Administration Division.

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- (e) Obtain medical attention as appropriate.
- (f) Notify a supervisor as soon as practicable.

#### 917.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193) in a threshold memo:

- (a) Date and time of the incident
  - (a) Name of member exposed
  - (b) Location of the incident
  - (c) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
  - (d) Work being done during exposure
  - (e) How the incident occurred or was caused
  - (f) PPE in use at the time of the incident
  - (g) Actions taken post-event (e.g., clean-up, notifications)
- (b) City of Whittier Employee Bloodborne Pathogen Exposure Report
- (c) City of Whittier Report of Accident Form.
- (d) AdminSure Form.
- (e) Workers Compensation Form DWC.
- (f) State Form CDPH 8479 (Potential HIV Exposure).

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the On Duty Injuries Policy).

#### 917.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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#### 917.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

#### 917.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
  - 1. If the subject consents to having their blood drawn you will have medical staff and the subject complete the "Voluntary Informed Consent" for (2 page form)
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
  - 1. If the subject refuses, have medical staff and the subject complete the "Refusal to Consent" form. If the subject refuses to sign, simply write "REFUSAL" in the area identified as the "Refusal to Consent to Draw and Test Blood." These instances will be similar to those procedures followed where the department has to "Force" blood (passive resistance). These encounters will be audio and video taped with a Department camera.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).
  - 1. In certain instances where the subject is refusing to provide a sample, we will be required to obtain a declaration from a medical doctor that a "true exposure" occurred.
  - 2. The attending physician will have to complete a declaration that we will submit to the court along with the officer's declaration.
  - 3. For further assistance, refer to the example templates found in the watch commander's office for BBP exposure.



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Since there is the potential for overlap between the different manners in which source testing may occur, the ECO or supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

#### 917.5.6 EXPOSURE FROM A NON ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the immediate supervisor in conjunction with the Professional Standards Bureau Supervisor should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken including those outlined above:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The immediate supervisor or Professional Standards Sergeant should document the consent on the appropriate consent form.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the immediate supervisor should follow the steps outlined above under "Source Testing" to obtain a forced sample.

#### 917.5.7 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the immediate supervisor or Professional Standards Supervisor should take the following steps:

- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

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- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the professional standards supervisor is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the immediate supervisor or professional standards supervisor should seek consent or a court order in the same manner as for a non-arrestee.

#### **917.6 CONFIDENTIALITY OF REPORTS**

Most of the information involved in this process must remain confidential. The Professional Standards Supervisor shall insure that all records and reports are kept in the strictest confidence.

The Professional Standards Supervisor shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Professional Standards Supervisor shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **917.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

# Smoking and Tobacco Use

## 919.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Whittier Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 919.2 POLICY

The Whittier Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

## 919.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Whittier Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

## 919.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

### 919.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

# Parking Regulations in Civic Center Complex

## 920.1 PURPOSE AND SCOPE

The unavailability of sufficient parking in the Civic Center Complex has created problems for City Employees. The Police Department, with the largest employee count and it's around-the-clock operations, has suffered the most.

In an effort to accommodate our parking requirements and balance them with the needs of the other Civic Center employees, the Building and Safety Department Superintendent has been assigned the responsibility of assignment of those parking spaces available, except as otherwise noted in this order.

The parking areas in the Civic Center have been appropriately posted and restrictions and limitations designated by these signs shall be followed.

All personnel shall adhere to the parking restrictions outlined for the Civic Center parking areas and those placed on the streets surrounding the Police Department. Failure to do so may result in the issuance of a citation, disciplinary action, or both.

## 920.2 POLICE DEPARTMENT PARKING LOT

### (a) Parking of Police Vehicles

1. When parking Police vehicles in the Police Parking lot, personnel, shall park them in those spaces designated for "Police Cars Only". The front wheels shall be adjacent to the curb and within those designated parking stalls. Police vehicles parked in the center stalls shall be parked wholly within the particular stall.
2. Marked Police vehicles should avoid parking against the south wall of the parking lot to allow room for the parking of unmarked vehicles. If necessary, due to space restrictions, when marked Police units must use the south wall they shall not be backed against the wall.
3. All vehicles parking under the carport should be parked according to the appropriately posted sign. Stalls marked for "booking" should only be used for those officers "booking" prisoners.
4. The Chief of Police, the Division Commanders, and the Services Director parking spots are marked accordingly along the Northeast portion of the Sallyport. They are to be kept clear for these vehicles at all times.
5. The northwest portion of the carport shall be utilized for the parking of police motorcycles.

### (b) Parking of Other Law Enforcement Agency Vehicles

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1. Officials or representatives of other law enforcement agencies shall be allowed to park in any stalls designated for "Police Cars Only" while they are conducting official business at the Police Department.
- (c) Parking of Vehicles of the Telephone Company, Radio Repair Company, and like agencies.
  1. Usually, vehicles of the Telephone Co., Radio Repair Co., and like agencies shall be allowed to park in the spaces marked for "Police Cars Only" when conducting business at the station.
- (d) Parking of Privately-owned vehicles of Departmental Personnel
  1. Privately-owned vehicles are permitted to park in the Police Parking lot only for brief periods of time. The intent is to permit sufficient time to pick up paychecks or attend to other personal business by our personnel.
  2. Privately owned motorcycles shall park only to the rear of City Hall in designated areas.

#### **920.3 OTHER CIVIC CENTER PARKING AREAS**

- (a) City Parking Lots
  1. The parking of vehicles in these areas is by permit only. Such permits are issued to each employee upon beginning of employment and spaces are "first come basis".
  2. This "no parking" (without permit) applies to that period between 0700 and 1700 hours on Mondays through Fridays, except holidays.
  3. No Department employees are to park in the stalls immediately west of the Evidence Storage Facility which are used by various City officials, including the City Council.
  4. Parking for the purpose of appearing in Court by Officers of other agencies shall not be permitted in these areas.
- (b) Parking Permit Restrictions
  1. Police Department employees working Monday through Friday between the hours of 0700 and 1700 are to park in the secured lot to the rear of City Hall. If there are no spaces available, employees are to find legal street parking, this includes not parking on the south side of Penn Street in the two-hour parking area; these spaces are for public parking to conduct business. Employees are not to park along Civic Center drive behind City Hall, any of the assigned City Hall parking between the police patrol lot and the employee secure lot, the secure lot east of the old station and the library. Employees who lose their parking permits will be charged a \$2.00 replacement fee.

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2. Parking permits must be hung on the vehicle's rear view mirror and be visible from the outside of the vehicle.
3. Employees are not to use the "Carpool Only" spaces unless they have a carpool permit.

# Personnel Complaints

## 921.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Whittier Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 921.2 POLICY

The Whittier Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 921.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

### 921.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or

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the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

**Service Review** – A procedural review into an objection or request for clarification of Department policy or procedure.

**Mitigated Complaint** – A complaint wherein the parties agree to resolve the matter to their mutual satisfaction. This classification should only be used for minor matters that would not generally result in discipline. Mitigated complaints that are resolved will not be considered a citizen's complaint.

#### **DISPOSITION OF SERVICE REVIEWS**

The Chief of Police shall determine the classification of service reviews using the following classifications:

**PROCEDURE APPROPRIATE:** The policy or procedure was found to be appropriate and not in need of revision.

**REVISION REQUESTED:** The policy or procedure has been referred to the appropriate Division Commander for review, clarification, or possible revision.

#### **921.3.2 SOURCES OF COMPLAINTS**

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### **921.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### **921.4.1 COMPLAINT FORMS**

Personnel complaint forms will be maintained in the Records area of the police facility, which is near the customer service windows of the lobby and be accessible through the department website. Forms will be provided to anyone who asks.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.



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#### **921.4.2 ACCEPTANCE**

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

A complainant shall be provided with a copy of their statement at the time it is filed with the Department (Penal Code § 832.7).

#### **921.4.3 AVAILABILITY OF WRITTEN PROCEDURES**

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

#### **921.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS**

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

#### **921.5 DOCUMENTATION**

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a

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complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant shall be provided with a copy of his/her own original complaint per Penal Code § 832.7.

#### **921.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **921.6.1 ADMINISTRATIVE INVESTIGATION PROCEDURES**

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Whittier Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

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- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

#### 921.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**COMPLAINT:** A summary of the complaint and the specific issues identified as to possible violations of rules or regulations.

**INVESTIGATIONS/FINDINGS:** The main body of the report which consists of a chronological summary of the investigation including all pertinent information developed during the interviews. This section shall also include any written statements and an analysis of the evidence.

**CONCLUSION:** The results of the investigation as to each allegation including the opinions and conclusions of the investigator. The findings for each allegation and the justification for the finding shall be included in this section. The investigator shall include a recommendation regarding the final disposition.

**ATTACHMENTS** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 921.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

**No Finding** – The complainant failed to disclose information necessary to further the investigation, or wishes to withdraw the complaint.

**Not Resolved** – The disposition assigned to a complaint when there is **not** sufficient evidence either to prove or disprove the allegation.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 921.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code 827.7(e)).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

#### 921.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 921.7 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police related death.
- When the employee is involved in an injury or fatal accident while on duty.

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- When the employee is involved in an injury or fatal accident while operating any city-owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

#### **921.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

#### **921.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to paid administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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#### **921.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

##### **921.9.1 PROTOCOL FOR REFERRAL TO THE DISTRICT ATTORNEY**

Although law enforcement agencies have the primary responsibility to investigate allegations of misconduct, it is the policy of the Los Angeles County District Attorney's Office and the Los Angeles County Police Chiefs Association that all allegations of criminal misconduct by law enforcement personnel, where probable cause exists to believe that a crime has been committed and the person has committed it, shall be referred to the Los Angeles County District Attorney's Office for review and consideration of filing of criminal charges. This policy is applicable to all potential criminal conduct, whether felony or misdemeanor, and whether the member of the law enforcement agency was on-duty or off-duty, sworn or non-sworn.

To ensure consistent, professional and appropriate review, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has been assigned the responsibility of reviewing all allegations of criminal misconduct. Therefore, the following procedure has been established:

In all cases involving serious injury, JSID shall be contacted immediately. Upon notification, a JSID prosecutor will be assigned to assist or advise in the investigation.

- (a) When an investigation has determined that there is probable cause to believe that criminal conduct has occurred, the matter shall be presented to JSID as soon as possible.
- (b) All investigative reports relative to such allegations shall be provided to JSID as soon as the investigation is completed.

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- (c) JSID will review all matters in a timely manner and, except in unusual circumstances, inform the law enforcement agency within 60 days regarding any filing decision.
- (d) Whenever a law enforcement employee is suspected of committing a felony or misdemeanor while off-duty, the agency with jurisdiction to investigate shall notify JSID.

#### **FELONY CASES**

JSID shall prosecute all cases filed as felonies except when, in the opinion of the Head Deputy of JSID, the case would be more appropriately handled by another specialized division of the District Attorney's Office.

#### **MISDEMEANOR CASES**

Misdemeanor cases may be filed and prosecuted by JSID or referred to the appropriate District Attorney branch or area office or appropriate city prosecutor.

Pursuant to Penal Code § 832.7, any material reviewed by the District Attorney's Office containing information from the peace officer's personnel file as defined in Penal Code § 832.5 shall not be provided to the city prosecutor.

#### **921.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and make any recommendations for modification prior to forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### **921.10.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

##### **921.10.2 CHIEF OF POLICE RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or return the file to the Division Commander for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Specific charges are set forth in separate counts, describing the conduct underlying each count.
- (b) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (c) An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the *Skelly* notice.
  - (a) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
  - (b) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

#### 921.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

#### 921.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

#### 921.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This *Skelly* response is not intended to be an adversarial or formal hearing.



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- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive and such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

### **WRITTEN REPRIMANDS**

Any employee wishing to appeal a written reprimand must submit a written rebuttal to the Chief of Police within thirty (30) days of receipt of the written reprimand. Unless otherwise directed by the Chief, the rebuttal will be attached to the written reprimand and placed in the employee's personnel file.

### **921.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

### **921.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

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During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

#### **921.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

7. In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police

#### **921.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are

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communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least 15 years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Bureau apart from the employee's personnel file.

#### **921.16 REQUIRED REPORTING TO POST**

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
  - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
  - 2. Findings of civilian review boards.
  - 3. Final dispositions of any investigations.
  - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Whittier Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

#### **921.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT**

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer

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- (e) A summary of the alleged misconduct including:
  - 1. A narrative of the allegations
  - 2. Date and time of incidents
  - 3. Location of occurrence
  - 4. Any witness information, if available
  - 5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

#### 921.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
  - 1. The Department shall provide the name of the body conducting the proceeding.
  - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
  - 1. The name of the court having jurisdiction over the criminal charges against the officer.
  - 2. The status of the criminal case, if known.

## Seat Belts

### 923.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

#### 923.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 923.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 923.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 923.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 923.5 POLICY

It is the policy of the Whittier Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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#### **923.6 TRANSPORTING CHILDREN**

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

#### **923.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **923.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 925.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 925.2 POLICY

It is the policy of the Whittier Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 925.3 ISSUANCE OF BODY ARMOR

The Administrative Commander shall ensure that body armor is issued to all sworn officers when the officer begins service at the Whittier Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Commander shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 925.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

### 925.4 AVAILABILITY

Whenever the wearing of the safety vest is discretionary (i.e. Detectives or Administration), the sworn officer shall keep a safety vest readily available for use during an emergency situation or other event where the use of the vest will increase the officer's safety.

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#### **925.5 RANGEMASTER RESPONSIBILITIES**

The Training Coordinator should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.



## Personnel Records

### 927.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 927.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 927.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **927.4 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

#### **927.5 TRAINING FILE**

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **927.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

#### **927.7 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **927.7.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **927.7.2 RELEASE OF PERSONNEL INFORMATION**

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (see also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be

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false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

#### 927.7.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

#### 927.7.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

### 927.8 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

#### 927.8.1 DEFINITIONS

**Brady Material** - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

**The Prosecution** - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

**Penal Code § 1054.1** - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

#### 927.8.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess

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process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

#### **927.8.3 PROCEDURE**

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

- (a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file.
- (b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court.
- (c) As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed.
- (d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion.
  1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

#### **927.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS**

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the

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written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

#### **927.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) The Professional Standards Supervisor in conjunction with the Chief and Administration Lieutenant shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If it is determined that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

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#### **927.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by an officer.
  2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
  3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
  4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

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1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

#### 927.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person



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Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

#### 927.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
  - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
  - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
  - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
  - 1. Disclosure may be delayed until:
    - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 927.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
  - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or

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no later than 18 months after the date of the incident, whichever occurs sooner, unless:

- (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

## Awards and Commendations

### 930.1 PURPOSE AND SCOPE

To establish a procedure to acknowledge commendatory acts by employees and to receive suggestions made for the improvement of the agency. Recognizing that most employees take pride in their work and endeavor to provide superior service, the Administration wishes to reward outstanding acts of service and performances of a commendatory nature.

#### 930.1.1 DEGREES OF SERVICE AWARD

- (a) **Valor** -This is the highest award obtainable by any member of the department. It shall be awarded only in exceptional cases where a hazardous duty is performed by a member who risks his life in so doing. The act must be of such an extraordinary nature that the officer, exposing himself to the peril, acted above and beyond the call of duty.
- (b) **Meritorious Citation** -This award is given for action taken by a member of the Department wherein an act is performed which may arise through an emergency, and where, because of the action taken, a life may be saved, a serious crime prevented, or a person arrested who has committed a serious crime.
- (c) **Commendation** -This award is given for action taken by an employee, where, because of diligence and perseverance, a difficult task is performed, resulting in a crime being prevented, life and/or property protected, criminals apprehended, or an exemplary service is rendered the Department or City.
- (d) **Letter of Recognition** -This recognition is given to an employee in letter form for outstanding service that reflects a high degree of professionalism, dedication, commendable restraint, or commendable suggestion for the improvement of the department, that results in carrying forward the Department's missions and objectives.
- (e) **Lifesaving** - The lifesaving medal is awarded to recognize the actions of Department personnel that result in the saving or preservation of human life that otherwise would have been lost without the employee's direct involvement. An employee can receive only one lifesaving award per incident, regardless of how many victims were involved.

### 930.2 COMMENDATION PROCEDURES

- (a) Reporting of Commendable Incidents
  - 1. All members of the Department are encouraged to submit requests for review when they consider that a member has performed an act as defined in this order. Such requests shall be made in memo form; contain all pertinent details of the incident; have copies of any related reports attached; and shall be directed to the respective Division Commanders, through Chain of Command. The supervisor shall forward commendable incidents after signature to the Administration Bureau. The Public Relations Officer will maintain a file and be responsible for the initiation of timely Awards.
- (b) Reporting of Suggestions

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1. All suggestions for improvement shall be submitted in writing, named or anonymously to the Administrative Bureau. The Administrative Bureau will review each suggestion and forward to the Chief of Police for review. They will then be distributed by the Administrative Bureau to the appropriate Division Commander for action. The Awards Board shall determine if each suggestion shall receive an award.
- (c) Board of Awards shall consist of:
1. The Chief of Police or their designee.
  2. At least one command staff member
  3. One officer, one WPOA board member and one sergeant representing the Patrol Division
  4. Representatives from all other divisions are also preferred.
  5. Public Relations officer of the Administrative Bureau.

#### 930.2.1 BOARD OF AWARDS

Members other than the Command Staff will be selected by the respective Division Commanders to serve on the board for one year. The Board shall review each request for appropriateness, and if found sufficient, shall determine the degree of award. All requests and review shall be honored with a reply from the Board as to its decision.

- (a) Certificates of Award
1. Shall be presented to each member considered by the Board of Awards to have performed an act, as described above.
  2. Such Certificates shall be issued by the Chief of Police and shall bear the name, rank or position of the member, a designation as to the type of award, and a brief description of the facts incident thereto.
  3. A copy of the Certificate shall be placed, in the member's Personnel File, the Departmental Administrative File, and on the Bulletin Board.
- (b) A Letter of Recognition will be presented to the recipient by the appropriate Division Commander.
- (c) Medal of Valor
1. A medal of Valor shall be given only for acts of valor and shall be known as the "Metal of Valor."
  2. This Award shall be equivalent to the Entenmann 100c with 40" Neck Ribbon (dark blue).
  3. Companion issue with this Medal shall be the Uniform Valor Ribbon equivalent to the Entenmann AR-1 (1/3 Blue 1/3 Gold 1/3 Blue).

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4. The Uniform Valor Ribbon shall be worn on their uniform as per the standards set forth in the uniform section of the policy manual.
- (d) Meritorious Citation Award
  1. A Meritorious Award pin shall be given to the recipients who have performed the act(s) as described above and worn on their uniform according to the standards set forth in the uniform section of the policy manual.
- (e) Livesaving Award
  1. A Livesaving pin shall be given to the recipients who have performed the act(s) as described above and worn on their uniform according to the standards set forth in the uniform section of the policy manual.

#### **930.3 LETTERS OF THANKS AND APPRECIATION**

A written commendation may be made by any supervisor of the Department regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor.

Any employee may recommend a commendation to the supervisor of the employee subject to commendation. Copies of all letters of thanks and appreciation either from citizens or other government units shall be routed to the Chief of Police. The Chief of Police shall determine the appropriate method of acknowledgement for each correspondence from the following:

- (a) Submit to the Awards Board for possible award listed in this policy section.
- (b) Forward to the Chief's Secretary for inclusion in the employee's personnel package under "Awards and Commendations".
- (c) Copy to the affected employee through his Division Commander.
- (d) Forward to affected employee through his Division commander with acknowledgement of receipt by Chief of Police for possible use in the evaluation process.

## Fitness for Duty

### 931.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

### 931.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 931.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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### *Fitness for Duty*

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#### **931.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

#### **931.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **931.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **931.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.



## Meal Periods and Breaks

### 932.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

#### 932.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Dispatch/Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed 45 minutes including travel time.

#### 932.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

# Lactation Breaks

## 933.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

## 933.2 POLICY

It is the policy of the Whittier Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

## 933.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 933.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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### *Lactation Breaks*

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

#### **933.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

##### **933.5.1 STATE REQUIREMENTS**

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

## Payroll Records

### 934.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

### 934.2 ATTENDANCE

- (a) Work schedules will be set at the Division Commander level.
- (b) Employees shall be in attendance at their scheduled work time.
- (c) The Department recognizes "flex time" (i.e. work schedule changes) scheduling can often be advantageous to the organization as well as individual employees. However, "flex-time" scheduling must have prior approval from a supervisor.
- (d) "Flex time" may be employee generated.
- (e) "Flex-time" shall not apply to tardiness (i.e. an employee may not flex their schedule to avoid being tardy).

### 934.3 POLICY

The Whittier Police Department maintains timely and accurate payroll records.

### 934.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

### 934.5 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

### 934.6 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

# Whittier Police Department Mentor Program

## 935.1 PURPOSE AND SCOPE

The Mentor Program is committed to assisting employees with their transition to the Whittier Police Department by providing an understanding of Departmental culture, policies and procedures. This will be accomplished by creating a welcoming, positive and professional work environment. The Mentor Program will also assist employees in outlining their career development goals and objectives.

The Mentor Program will work cooperatively with present and future training programs for the purpose of improving and maintaining the high professional standards of the Whittier Police Department. The Mentor Program and Mentors shall not interfere with or undermine the Field Training Officers or other personnel assigned to train or supervise the Protg.

The Mentor Program is made available to both sworn and civilian police personnel. It is ultimately overseen by the Patrol Division Commander.

In order to maintain the value and integrity of the Mentor Program, The Mentor/Protg relationship shall at all times remain professional. A Mentor and Protg shall not become intimately involved while engaged in the Mentoring Relationship. Doing so is a violation of this policy and will result in the immediate removal from the Mentor Program.

## 935.2 DEFINITIONS

*Mentor:* A full time, non-probationary employee who volunteers to be formally assigned to an employee for the purpose of guiding and supporting that employee through their transition to the Whittier Police Department, as well as outlining paths of career development.

*Protege:* An employee who is formally assigned to a Mentor, who receives guidance and support for the purpose of Departmental assimilation and career development.

*Mentor Coordinator:* The person responsible for the administration of the Mentor Program. The Mentor Coordinator shall be appointed by the Patrol Division Commander.

*Mentor Advisory Committee:* This select body of employees will assist the Mentor Coordinator with the administration of the program. This Committee is subject to the below listed selection process.

*Mentor Team:* The team is comprised of the Patrol Division Commander, Mentor Coordinator, Mentor Advisory Committee, and Mentors.

## 935.3 MENTOR TEAM DESIRABLE QUALIFICATIONS

Mentor Team candidates should possess the following characteristics:

- A role model and example setter (only those with "competent" or better evaluations within the last year will be considered)

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- Have no sustained misconduct within the last year resulting in disciplinary action. (However, minimal discipline such as written reprimands will be reviewed on a case by case basis)
- A genuine concern for employee development
- A basic level of understanding and a demonstrated commitment to the concept of mentoring
- Highly motivated and mature individual dedicated to the values, goals and objectives of the Department
- Friendly and strong interpersonal skills
- Excellent verbal and written communication skills
- Work well in a team environment
- Availability for occasional scheduled meetings and training sessions

#### **935.4 MENTOR TEAM SELECTION PROCESS**

Employees interested in becoming a part of the Mentoring Team must complete the following process:

- Submit a formal memorandum of interest
- Participate in an oral interview
- The interview panel will consist of members of the Mentor Advisory Committee
- Selected personnel shall attend Mentor Training provided by members of the Mentor Advisory Committee

#### **935.5 MENTOR DUTIES AND EXPECTATIONS**

The Mentor is expected to fulfill the following duties and expectations. A failure to adequately perform these duties may result in removal from the Mentor Program.

- (a) Upon being assigned to a Protege, promptly contact and schedule an in person meeting to welcome, introduce and, explain the Mentor Program
- (b) Offer ongoing guidance and assistance to the Protege throughout the academy, field training, civilian job training, probationary period, and as long as they are involved in the mentoring relationship
- (c) Serve as a trusted outlet where private matters or problems can be discussed. However, violations of policy or law shall be immediately reported to the Mentor Coordinator
- (d) When applicable and as needed, provide assistance to the Protege with personal needs such as housing, family, child care etc.

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- (e) Whenever possible, consider attending significant moments in the Protege's career such as the swearing in ceremony, graduation, award or promotional ceremonies, etc. If attendance is not possible, make an attempt to contact and explain this to the Protege
- (f) Orient the Protege to the culture and general expectations of the academy, field training, or civilian job training programs
- (g) Assist the protege with questions or concerns that should not otherwise be directed to Human Relations, academy staff, FTO, or supervisors

#### **935.6 MENTOR COORDINATOR DUTIES AND EXPECTATIONS**

The Mentor Coordinator should perform the below listed duties and expectations:

- (a) Serve as a liaison with the Human Resources Department and Recruiter.
- (b) Recruit, train and maintain the Mentor Team
- (c) Assign Mentors their Protgs
- (d) Schedule and conduct Mentor meetings
- (e) Evaluate, troubleshoot, and make changes to the program as necessary

##### **935.6.1 MENTOR ADVISORY COMMITTEE DUTIES AND EXPECTATIONS**

The Mentor Advisory Committee should collaboratively assist the Mentor Coordinator with their above listed duties and expectations.

#### **935.7 PROTEGE PARTICIPATION**

The Protege should make every effort to actively participate in this valuable program and should consider the following.

- (a) Actively seek to make use of the skills, experience and guidance of their Mentor
- (b) Allow some time in their personal schedule to make contact with their Mentor
- (c) Notify the Mentor Coordinator of any conflicts that may arise between the Mentor and Protege.
- (d) Provide constructive feedback on the benefits of the program or areas of improvement.

#### **935.8 MEETINGS AND TRAINING**

Unless designated otherwise by the Patrol Division Commander or Mentor Coordinator, The Mentor Team should meet twice a year to evaluate the progress of the Mentor Program or conduct in house training exercises.

## Overtime Compensation Requests

### 936.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 936.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. Per Article 10 of the City Personnel Rules and Regulations, sworn personnel may not accumulate more than 100 hours of compensatory time. Non-sworn employees may not accumulate more than 80 hours of compensatory time.

#### 936.1.2 EARNING OVERTIME

Overtime may be earned as the result of any of the following:

- (a) Investigations or arrest begun during the regular tour of duty, which cannot be concluded prior to the end of Watch, and are of such nature that such additional work, cannot be postponed until the next subsequent tour of duty.
- (b) In-service or off-job training as required by the Department.
- (c) Shift extensions due to personnel shortages.
- (d) Any other time worked by the employee on behalf of the City, as required by that employee's immediate supervisor, the duty Station Commander, or the employee's Division Commander.
- (e) Court Appearances on behalf of the City.



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- (f) An employee shall not, without prior approval of a supervisor, incur overtime liability to the City.

#### 936.1.3 ACCUMULATED OVERTIME

- (a) The policy of this Department is that each employee may accumulate overtime to a maximum outlined in the current M.O.U. of that employee's bargaining unit. All time may be accumulated in increments of one-quarter hour.
  - 1. On-Call Court Pay may be accumulated at the rate of two hours compensatory time when on-call for court in the morning and two hours compensatory time when on-call for court in the afternoon to a maximum of four hours per day.
  - 2. Premium overtime may be accumulated.
  - 3. Special Assignment (Para-Police) time may not be accumulated.
  - 4. Overtime previously accumulated may be taken as paid time off at the employee's option providing that such time off is compatible with the operation of the Department and does not result in the payment of overtime to any employee required to fill in for the absence of an employee off on accumulated overtime.
- (b) Overtime Buy Back Employees have the option of selecting either paid time off or payment in cash for hours 1 through 40. Overtime in excess of 40 hours must be taken as paid time off. If the employee sells hours 1 through 40 back to the City, hours over 40 must have been used. (City S.O.P. 21).

#### 936.1.4 EMERGENCY CALL BACK OVERTIME PROCEDURES

In general, emergency call-back overtime refers to those periods of work that occur at times other than the employee's regularly scheduled hours of work, where the employee is required to return to work, without prior notice after having left his place of work at the end of his work shift constitutes an emergency call-back.

- (a) Emergency callback will be compensated at a three-hour minimum.
- (b) The Field Supervisor shall first approve by the Stations Commander or, in his absence, all emergency callbacks of personnel.
- (c) Emergency callbacks will be compensated beginning at the time the employee leaves his home only when the employee is assigned to respond directly to the scene of the emergency.

#### 936.1.5 OVERTIME RECORDING PROCEDURE

- (a) A request for payment shall be submitted by the employee to the Station Commander or the employee's immediate supervisor using the department scheduling software. The watch commander/supervisor, shall review all requests for overtime payment submitted by the employee via the department scheduling software. Any overtime

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discrepancies should be handled between the watch commander/supervisor and the employee.

(b) Completing the request for overtime utilizing the scheduling application:

1. Complete the card, indicating by the check boxes the general classification into which the overtime falls.
2. Enter the applicable BR number. Only one BR number should be used.
3. For activities not assigned a BR number such as training classes, range qualification or personnel shortages, the exact activity must be described.
4. All overtime will generally be paid. If an employee desires to accumulate overtime, the proper box must be checked.
5. Whenever possible, the employee beginning a tour of overtime duty, should submit an accurate "Request for OT" if the OT spot has not already been posted in the scheduling system.
6. Without prior approval of a Department Supervisor, all overtime assignments must terminate in the station.
7. Completed OT assignments should be approved by the Watch Commander or the employee's lieutenant.
8. Hours shall be recorded in quarter hour increments expressed as fractions (e.g., hr. hr.)

#### 936.1.6 COURT OVERTIME

- (a) In general, court overtime will be paid for court appearances that require an employee to attend a court function (Refer Definition "Court Time") on off-duty time will be compensated at premium time with a two and a half-hour minimum.
- (b) Exceptions:
1. Court appearances immediately before or after an employee's work shift without a break in time shall not receive the two-hour minimum. (City S.O.P. #26) These cases constitute an extension of the employee's normal duty shift. Any break between the appearance and the start or end of an employee's duty hours shall entitle the employee to a two-hour minimum.
  2. Court appearance while off duty due to an industrial accident or illness shall be considered on-duty for any appearance less than eight hours.
  3. Court appearance while on suspension from duty due to disciplinary enacted or pending shall not be compensated.
  4. Officers working a Special Assignment (para-police) will be compensated at premium pay for the court and the two-hour minimum shall not apply. Note: Officers must clock out of the Special Assignment and submit a separate time card for the court appearance.

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#### 936.1.7 RECORDING COURT OVERTIME

- (a) The starting time on the subpoena plus the appropriate travel time to the location of the court shall be the starting time for court time. When leaving court, employees shall have the subpoena signed out by a court official whenever possible. The time signed out plus the appropriate travel time from the court to the station or staging facility should reflect the time for ending. Employees shall indicate on the overtime request whether or not they testified in court. Court time will consist of that time span indicated on the subpoena, beginning with the time started for appearance, and terminating with the time indicated by the court official, plus the appropriate travel time to and from court, less any lunch recess. (Lunch recesses are not compensable for the off-shift employee)
- (b) Travel Time - Without prior approval of a supervisor, travel time will be measured from the Police Station or staging facility to the concerned court. It shall be the responsibility of the employee concerned to obtain the travel time to the nearest 15 minute increment and submit this with the subpoena as outlined above. Travel time will be entered in the space provided. Subpoenas will be turned into the Watch Commander to verify the time in the scheduling system. Upon Watch Commander approval the subpoena can be destroyed.
- (c) Lunch Recess - For purposes of this Order, all lunch or supper recesses will be considered to be one hour in duration.
- (d) Court Without Subpoena - In those instances where an employee must respond to Court without benefit of subpoena, such an appearance and the circumstances therefore, shall be reduced to writing, including the date/time excused. This memo will be turned into the Watch Commander to verify the circumstances of the court appearance.
- (e) Short Notice Appearance - Where, due to short notice by the court, it is necessary to notify the employee by phone of a subpoena and a message is left with someone other than the employee involved (answering machine included), the employee will contact the Court Officer or an on-duty supervisor when he received the notification. The Court Officer will then note the employee's availability for the court.

#### 936.1.8 MISCELLANEOUS COURT RULES

- (a) Multiple Court Appearances— If an off-duty employee is entitled to one 2-hour minimum for a Court appearance, and he makes a subsequent, unrelated Court appearance after the expiration of the preceding two-hour period, he shall be entitled to another two-hour minimum compensation. If the second, or subsequent, Court appearance occurs prior to the expiration of the initial two-hour compensation period, the subsequent appearance shall be deemed an extension of the initial subpoena. An employee that had both a morning and afternoon on-call it will be necessary to submit two overtime requests in the scheduling software.

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- (b) Court Check-in and changes in case status—Employees shall check in with Calendar Deputy District Attorney at the time shown on subpoena. It is the responsibility of the subpoenaed employee to notify the District Attorney's Office in the event of unavailability due to illness; the employee shall also notify the on-duty watch commander of the absence due to sickness.
- (c) Multiple Subpoenas Same Date—Whenever an employee receives subpoenas to two courts for the same day, it is the employee's responsibility to contact the Court (s) involved and make proper arrangements. If there is a conflict, the first subpoena received shall be honored.

#### **936.1.9 DMV TELEPHONIC HEARINGS**

In general the following process applies to officers testifying in a DMV telephonic hearing:

- (a) When an employee receives a subpoena from a DMV hearing officer, which indicates that the hearing will use telephonic testimony, the employee has the option of giving that testimony from his/her desired location or from a telephone at the station. If an employee chooses to make the call from other than the station, he/she must assume the expense of the call to DMV.
- (b) Compensation - The employee's time will be compensated as court time with a two and a half hour minimum, paid or accumulated at time and one-half.
- (c) Procedures - After the employee has completed his/her testimony, the subpoena shall be submitted to the Station Commander in the normal course of business to verify the employee's "OT Request" in the scheduling software. Upon verification the subpoena can be discarded.

#### **936.2 COURT STAND-BY COMPENSATION**

In general, court Stand-by compensation is not overtime per se, but compensation for the inconvenience of remaining on-call for a scheduled court appearance. Compensation for Court Stand-by will be in accordance with the current Salary Resolution/MOU.

- (a) General application involving such Stand-by time is as follows:
  - 1. Stand-by fee will not be paid while an Officer is working SPECIAL ASSIGNMENT.
  - 2. An employee will not be entitled to a Stand-by fee while on Workers Compensation.
  - 3. An employee cannot receive two or more stand-by fees simultaneously.
  - 4. A Stand-by fee will not be paid during an employee's sick leave, unless the period of stand-by occurs during the time that the employee is normally off-duty.
  - 5. Request for Stand-by fees shall be submitted within three working days of such Stand-by.
  - 6. Employees receiving the two and a half-hour minimum Court overtime will not receive "On-call" for the same case, for those same hours. (I.E: If the employee

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attends a morning court session, is excused and placed on-call, he/she will not receive a stand-by fee during the time covered by his two-hour minimum pay.)

#### **936.3 COURT SUBPOENA TIME RECORDING**

##### **936.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
8 to 22 minutes	1/4 hour
23 to 37 minutes	1/2 hour
38 to 52 minutes	3/4 hour
53 to 60 minutes	1 hour

##### **936.3.2 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

#### **936.4 TRAINING ASSIGNMENT OVERTIME**

- (a) Training assignments of a full day or more:
  - 1. Each day of training shall constitute a day worked. This shall be regardless of the shift schedule the employee normally works.
- (b) Partial Day Training assignments:
  - 1. In the event of a partial day training assignment of less than six hours, the employee must work the required number of hours to constitute a full workday.
- (c) Travel Time (Reference F.L.S.A.):
  - 1. Travel time to a training function requiring an employee to stay overnight shall be compensated by an adjustment of the employees work schedule to allow for the number of travel hours required using the most efficient travel method to the location of the training assignment, when that training is not compensated on overtime. (I.E. Air Travel vs. Driving Time). When employees are attending training on overtime, the employee only receives overtime compensation for travel time when the employee is driving a department owned vehicle and then only the driver receives this compensation. If an employee is attending training on overtime and is using their own vehicle for transportation then no overtime compensation is paid.

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2. No travel time will be allowed to a non-overnight training function as the location of the training assignment constituted the employee's work location for the day.
3. POST Commission guidelines regarding commuter training will apply to all employees.

#### **936.5 EXTRADITION ASSIGNMENT**

No overtime will be considered while a member of the Department is on extradition matters out-of-State.

#### **936.6 EXPENSE ALLOWANCES ON OFFICIAL BUSINESS**

Employees who shall be obligated to travel in the performance of their duties shall receive the amount of their approved expenses for reasonable transportation, meals according to the POST or City Approved reimbursement schedule, any pre-approved lodging and other reasonable incidentals. If an employee is unsure if expenses will be reimbursed they should contact the Administrative Lieutenant or his designee immediately.

(a) Meals reimbursement of City Business:

1. Employees in Court assignments other than the Bellflower Superior Court shall be reimbursed for the lunch meal expense.
2. Employees in training assignment will be reimbursed for meal expenses.
3. Employees attending approved professional meetings will be reimbursement for the actual meal expense served in conjunction with that meeting.
4. All meals will be reimbursed at the current City rate.

(b) Mileage:

1. Employees shall use his or her personal vehicle to travel on City Business (including court) unless they receive prior approval from a supervisor to utilize a City owned vehicle for such travel. If an employee uses his or her personal vehicle for such travel, he/she will be allowed automobile expense reimbursement provided their vehicle is insured.
2. The mileage reimbursement rate shall be the same monetary rate authorized by the Internal Revenue Service for the current calendar year. Mileage reimbursement shall be calculated as described in City SOP #8, which is generally the distance from home to training minus the distance from home to City Hall.
3. Any accident resulting from an employee's use of their personal vehicle will be resolved between the employee and his/her insurance company.

(c) Claims:

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1. Claims for reimbursement shall be submitted on prescribed forms to be used in making such claims, including receipts when required.
- (d) FBI National Academy Training Reimbursement:
1. Personnel who are accepted to the FBI Academy will be entitled to \$1200.00 incidental expense reimbursement during their 3-month academy stay. The money may be used for uniform purchase, other equipment as necessary and weekend per diem. The reimbursement will be processed pursuant to City of Whittier policy.
  2. During the stay the employee may request one round trip flight from Virginia to California at City expense. If the employee chooses to exercise this option they must prepare a City Council agenda report for approval prior to leaving for the Academy as per City of Whittier policy.

# Outside Employment

## 938.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 938.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 938.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

### 938.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.



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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

#### **938.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

#### **938.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

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#### 938.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The officer(s) shall wear the departmental uniform/identification.
  - 2. The officer(s) shall be subject to the rules and regulations of this department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services shall not be subject to the collective bargaining process.
  - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 938.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### 938.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

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#### **938.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

#### **938.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### **938.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

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When the disabled member returns to full duty with the Whittier Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

# Occupational Disease and Work-Related Injury Reporting

## 940.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

### 940.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 940.2 POLICY

The Whittier Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

## 940.3 RESPONSIBILITIES

### 940.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35). Those injuries not requiring medical attention shall be documented on an Injured Person Declination of Medical Treatment form.

### 940.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined in this policy manual. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Watch Commander's office.

For work-related accidents, injuries or illness, an Injured Worker form shall be completed. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC1) within 24 hours, regardless of the nature of illness or injury.

Copies of the ODI report, Injured Worker Form Packet, and DWC1 should be forwarded to the Division Commander as soon as they are completed. These documents should be completed and forwarded to the Division Commander no later than 24 hours after the report of injury or accident to a supervisor.

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Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

#### 940.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

#### 940.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

# Personal Appearance Standards

## 942.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

## 942.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

### 942.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up, or in a tightly wrapped braid or ponytail.

Any facial hair shall always remain well-groomed and trimmed in order to project a professional appearance and instill public confidence in all personnel

### 942.2.2 MUSTACHES

A neatly groomed mustache may be worn. Mustaches may extend below the corners of the mouth, however, may not extend below the natural hairline of the upper lip (cannot cover lips). The mustache may not extend below the jawline.

### 942.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 942.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

### 942.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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#### **942.2.6 JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar if worn with the Department uniform.

#### **942.2.7 BEARDS AND GOATEES**

Beard – A neatly groomed beard may be worn and must be in combination with a mustache. No hair shall extend below the top of the Adam's apple or cover the neck. Beard upper end must be clearly trimmed along the mid-lower part of the cheek. Facial hair cannot extend one-half inch (1/2") below the jaw line and shall not extend one-quarter of an inch (1/4") off of the face.

Goatee -A neatly groomed goatee may be worn and must be in combination with a mustache. Facial hair cannot extend one-half inch (1/2") below the jaw line and shall not extend one-quarter of an inch (1/4") off of the face.

- It is understandable that during the initial growth period, facial hair may appear "scruffy". However, the standard is not intended to allow a departure from a "clean-shaven" look for those not working on full professional growth.

Beards may need to be shaven upon deployment to civil unrest situations, in order to comply with gas mask proper seal requirements.

#### **942.3 TATTOOS**

Sworn personnel and other employees who have routine contact with the public shall not allow tattoos to be visible whenever on-duty or while representing the City of Whittier in any official capacity unless specifically approved by the Chief of Police. Compliance can be effectuated by means of:

- (a) Removal of the tattoo
- (b) Wearing department approved uniform or other approved attire in such a manner that the tattoo is not visible
- (c) Wearing of a Department approved unobtrusive device which covers the tattoo such as, but not limited to, a bandage that does not impede the safe and efficient performance of duties.

#### **942.4 ORNAMENTATION AND BODY PIERCING**

No ornamentation or body piercing shall be visible while any employee is on-duty or representing the City of Whittier in any official capacity except as provided by this policy:

- (a) Earrings shall not be worn by male employees except as approved by the Chief of Police for specialized assignments.
- (b) Female employees may wear a post earring, or earring of a clip design. Earrings for all female employees shall not exceed two per ear. Earrings shall be conservative in nature.



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- (c) Employees shall not wear ornamentation consisting of nose rings, tongue rings or tongue studs while on-duty or representing the Department in any official capacity.

#### **942.4.1 BODY ALTERATION**

Body alteration to any area of the body visible while on-duty, representing the City of Whittier in any official capacity or in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

#### **942.5 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

# Uniform Regulations

## 943.1 PURPOSE AND SCOPE

The uniform policy of the Whittier Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Whittier Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 943.1.1 POSSESSION OF UNIFORM AND EQUIPMENT

All employees issued a uniform shall possess at all times a serviceable uniform and the necessary equipment to perform their assigned duties. Officers assigned to plainclothes duties shall also possess a uniform as prescribed hereafter. Uniforms shall not be loaned, rented or sold to persons not authorized to wear such uniform.

- (a) **Maintenance & Replacement:** All uniforms and equipment shall be maintained in a clean, serviceable condition, and shall be ready at all times for immediate use or inspection, if worn while on duty. Items shall not be altered to contemporary fashion; however, uniforms may be altered to provide proper fit. Loss or theft of an item shall be reported immediately on the appropriate report.
- (b) **Mixed Clothing:** Members shall wear only the uniform specified for their particular rank or position. Civilian clothing shall not be worn with any distinguishable equipment, except as authorized in this Order, and/or by the respective Division Commander.
- (c) **Retention of Present Uniform:** Members presently possessing uniforms as equipment which meet specification as to color, style and fit in effect at the time of purchase, may wear them until they are no longer serviceable.

### 943.1.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

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- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee:
  - 1. Wrist watch
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
  - 3. Medical alert bracelet

#### **943.2 DEPARTMENT ISSUED IDENTIFICATION**

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Department, employees shall display their Department issued identification or provide their name and/or identification number in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

#### **943.3 UNIFORM SPECIFICATIONS CLASS A, B AND C (REGULAR AND RESERVES)**

The items named in this section constitute the basic Class B uniform for Officers. Uniform specifications shall comply with those set forth by the Whittier Police Department as follows:

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(a) Tactical Helmet

- (a) The helmet worn shall be that issued by the Department.
- (b) Shall be worn in potentially riotous situation or disturbances.
- (c) Shall be worn on order of superior officer.

(b) Caps (Baseball Style)

- (a) It shall be of a baseball cap design, solid black in color, construction shall be of cotton, acrylic, or blended material. Headband may be sized or adjustable. "Whittier Police" is to be embroidered on the front of the cap. "Whittier" is to be embroidered using script 2 cursive font, .62 inches tall, 110% width, silver in color. "Police" is to be embroidered in all caps using the block 2 font. The color shall be silver 1" in height and 108% wide.
- (b) These caps will be purchased by the individual.

(c) Shirt

- 1. Material, style and construction shall meet the specifications set forth and known as the standard Los Angeles Police Department duty shirt.
- 2. Class B uniform shirt worn by employees shall, at their discretion, be either the long or short sleeve style. However, all officers shall maintain a long sleeve shirt and tie for wear as may be directed by the Chief of Police for their Class "A" uniform.

(d) T-Shirt

- 1. A black tee shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area. The sleeves of the tee shirt shall not show below the sleeves of the uniform shirt.
- 2. A Dickey or turtleneck may be worn under long sleeve shirt and must be black. The sleeves of the turtleneck or Dickey shall not show below the sleeves of the uniform shirt.

(e) Trousers

- 1. Shall be a dark navy blue of wool or polyester material or any combination of such material.
- 2. Plain front with two straight side pockets, two back pockets, and two sap pockets below each back pocket and fully lined seat.
- 3. There shall be a minimum of 7 belt loops, each loop to be 3/4" wide, of double thickness, and shall accommodate a 1 5/8" belt.

(f) Trouser Belt

- (a) The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible.
- (b) The trouser belt shall be 1 1/3" in width. It shall be provided with a white metal buckle and belt loop 1/2" in width. It shall be secured with either a white metal buckle or Velcro.

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- (g) Socks
  - (a) Socks worn may be of any type provided that any portion of the sock, which is visible, be black or midnight blue.
- (h) Footwear
  - (a) Shoes shall be center-laced style, smooth finish, and solid black in color. They may be either low or high cut, with a plain-tip toe.
  - (b) Class B and A uniforms will still require a plain-toe boot (entire top leather/synthetic leather).
  - (c) For Class-C and Class C-EVC, tactical boots designed for patrol use, from a reputable manufacturer, made of any combination of leather, synthetic leather, nylon, mesh or fabric, black in color, non-steel toe, are authorized.
- (i) Ballistic Vest
  - (a) Shall be vest issued by the Department.
  - (b) Shall be worn by all uniformed personnel assigned to the field.
  - (c) Non-uniformed personnel shall wear a vest when any violent situation could be anticipated.
  - (d) Uniquely Fitted Vests
    - (a) Defined: Means a protective (ballistic or stab-resistant) armor vest that conform to the individual wearer to provide the best possible fit and coverage, through a combination of:
      - (a) correctly-sized panels and carrier, determined through appropriate measurement, and
      - (b) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features.
    - (b) The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of the wearer.

#### 943.3.1 CLASS A UNIFORM

- (a) Shirt
  - (a) Material, style and construction shall meet the specifications set forth and known as the standard Los Angeles Police Department duty shirt.
  - (b) A Class A uniform shirt shall be a long#sleeve styled shirt.
- (b) Tie
  - (a) All employees shall maintain a tie for wear when donning a Class A uniform. The tie shall be black in color and shall have a dull finish. It may be standard type of the ready-made breakaway tie. The tie shall be tied with a "four#in#hand" knot or a "Windsor Knot."

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(c) T-Shirt

1. A black t-shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area.

(d) Trousers

1. Shall be a dark navy blue of wool or polyester material or any combination of such material.
2. Plain front with two straight side pockets, two back pockets, and two sap pockets below each back pocket and fully lined seat.
3. There shall be a minimum of 7 belt loops, each loop to be 3/4" wide, of double thickness, and shall accommodate a 1 5/8" belt.

(e) Belt

1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible.
2. The trouser belt shall be 1 1/3" in width with a 1/2" belt loop. It shall have a white metal buckle or Velcro fastener. The belt shall be of basket-weave design.

(f) Socks

1. Socks worn may be of any type provided that any portion of the sock, which is visible, be black or midnight blue.

(g) Footwear

1. Black, plain-toed, conservative Oxford or ankle high, lace-tied shoes OR black boot with leather toe, highly polished, with black laces or zippers. Patent-leather or Corfram is authorized.

(h) Duty Gear

- (a) Shall conform to all specifications set forth in this policy and shall be stamped with basket weave design. Nylon web-gear is not authorized for Class A use, unless accommodating an approved medical condition.

(i) Cover

- (a) Shall be LAPD Style Cap navy blue in color.
- (b) Cap piece shall be provided by the Department and remain the property of the City.
- (c) Cap piece will utilize the eyelets in the cover.

#### 943.3.2 CLASS C UNIFORM

(a) Shirt

1. The shirt shall be the 5.11 Brand-Styles TacLite or Stryker, dark navy in color.
2. TDU Ripstop Style.
3. Short or long sleeve

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4. Embroidered name directly onto uniform above the right breast pocket--first initial, last name in 1/2" block letters. Silver in color--no sewn on name tag.
5. Metal badge--no cloth badge.
6. Patches appropriate to the city assigned.
- (b) NO TIE SHALL BE WORN WITH THIS UNIFORM.
- (c) T-Shirt
  1. A black t-shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area.
- (d) Belt
  1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible. The trouser belt shall be 1 1/3" in width with a 1/2" belt loop. It shall have a white metal buckle or Velcro fastener. The belt shall be of basket-weave design.
- (e) Socks
  1. Socks worn may be of any type provided that any portion of the sock, which is visible, be black or midnight blue.
- (f) Trousers
  1. Shall be the 5.11 brand--style #74369 Stryker pant or style #74003 TDU pant or style #74280 TacLite TDU pant, dark navy in color (#724).
  2. TDU Ripstop Style.
  3. Trousers shall not be bloused or tucked into footwear.
- (g) Footwear
  1. For Class C and Class C-EVC (External Vest Carrier) tactical boots designed for patrol use from a reputable manufacturer may be worn. Boots made of any combination of leather, synthetic leather, nylon, mesh or fabric, black in color, non-steel toe are authorized.

#### 943.3.3 CLASS-C-EVC (EXTERNAL VEST CARRIER) UNIFORM

- (a) Shirt
  1. The shirt shall be the 5.11 Brand-Style #71049 Performance Polo, dark navy in color (#724).
  2. Short or long sleeve.
  3. Sewn-on Department provided "Whittier Police" shoulder patches, appropriate to the City assigned.
  4. Sewn-on Department provided shoulder insignia for Sergeant, Corporal, Traffic and FTO
  5. No additional decorations or attachments.

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- (b) No tie shall be worn with this uniform.
- (c) T-Shirt
  - 1. A black T-shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area.
- (d) Belt
  - 1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible. The trouser belt shall be 1 1/3" in width with a 1/2" belt loop. It shall have a white metal buckle or Velcro fastener. The belt shall be of basket-weave design.
- (e) Socks
  - 1. Socks worn may be of any type, provided that any portion of the sock, which is visible, be black or midnight blue.
- (f) Trousers
  - 1. Shall be the 5.11 brand-style #74369 Stryker pant or style #74003 TDU pant or style #74280 TacLite TDU pant, dark navy in color (#724).
  - 2. Trousers shall not be bloused or tucked into footwear.
- (g) External Vest Carrier (EVC)
  - 1. The EVC is authorized as an option to be worn while on patrol only with Class-C EVC uniform. The Department will not provide officers assigned to patrol with an EVC. If an officer chooses to wear an EVC while assigned to patrol, they will be responsible for all associated costs.
  - 2. If an officer chooses to wear an EVC while assigned to patrol, the EVC shall only be removed under the following circumstances:
    - (a) While inside of the secure portion of the police station, staging facility, and police services center. The EVC shall not be left unattended.
    - (b) When an officer can articulate why they needed to remove the vest (i.e, need to jump in the water to save someone, medical aid needed for the officer wearing the vest, etc.)
    - (c) As authorized by the watch commander with reasonable articulation.
  - 3. The only Department-approved EVC is the U.S. Armor USBP-SOGC External Carrier, black in color.
  - 4. The use of the approved EVC is subject to the following:
    - (a) Front Insignia
      - 1. Issued cloth badge
      - 2. Light gray on black Velcro POLICE non-reflective patch
      - 3. Light gray on black Velcro name tape: first initial-period, last name in all caps, embroidered with 3/4" letters



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4. Black Molle attachments of high quality purchased from reputable manufacturers.
    5. Subdued gray U.S Flag Velcro patch or subdued gray Thin Blue Line Flag Velcro patch may be worn on the EVC or on a large pouch. Flag patch dimensions shall not exceed 3" in length and 2" in height. Flag shall be worn in a horizontal position.
  - (b) Back Insignia:
    1. Gray on black Velcro POLICE non-reflective 8x4" on back.
  5. The following attachments are authorized to carry on the EVC. The pouches/ holsters must be a nylon-style Molle attachment.
    - (a) ASP baton/holder
    - (b) Compact flashlight holder
    - (c) OC holder
    - (d) Glove pouch/tourniquet pouch
    - (e) Radio holder
    - (f) Spare magazine holders (4 Magazine limit)
    - (g) Utility Pouch
    - (h) Taser
    - (i) Handcuff holder
  6. EVC shall not have the following items attached to it:
    - (a) Patches other than Department authorized
    - (b) Firearms
  7. The EVC shall not be used as a vest carrier alone. The purpose of the EVC is to transfer weight from the officer's belt to the vest. Some equipment must be transferred from the belt to the EVC.
  8. The number of pouches on the EVC should be reasonable as to not restrict the mobility of the wearer and or present a hazard or danger. The pouches shall be kept clean, operable, and present a professional uniform appearance.
- (h) Safariland Model 6004-25 Single Strap Leg Shroud with Drop Flex Adapter (DFA), black in color is authorized for Class-C-EVC. The attached firearm holster must match the duty belt finish.

#### **943.4 UNIFORM SPECIFICATIONS FOR CIVILIAN PERSONNEL**

##### Universal Requirements:

- (a) Keystone Uniforms and Mr. Uniform have been designated as uniform providers. J&J Promotional Products has been designated to provide uniform polo shirts with embroidery in compliance with the Department's requirements. Employees must purchase from Keystone Uniform Depot, Mr. Uniform, or J&J Promotional Products

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and have embroidery completed by them. Specific clothing manufacturers provided at the uniform stores are subject to change.

- (b) An approved list of uniform pieces has been provided to the three uniform providers, one sample voucher for each work unit.
- (c) An initial uniform voucher will be provided to the supervisor of each new employee upon hiring.
- (d) Tattoo cover-up – see Personal Appearance Standards policy. Long-sleeved shirts or turtle-necked shirts worn under short-sleeved polo shirts are NOT acceptable tattoo cover-ups. The cover-up method must be approved by the work unit supervisor or Division Manager.
- (e) If extreme changes in body dimensions occur (because of significant weight loss, pregnancy, etc.), any temporary uniform consideration must be reviewed and approved by the Division Manager.
- (f) Business casual attire may be authorized by the Supervisor or Division Manager for wear in lieu of a uniform when an employee attends meetings or training.

**Uniformed Support Services and uniformed station personnel: Full-time Records PSAs, PSA assigned to Investigations, Dispatchers, Property and Evidence Technician, Senior Property and Evidence Technician, Senior PSAs, and Senior Dispatchers.**

- (a) These positions receive uniform provisioning per the WCEA MOU:
  - (a) \$545.42 one-time initial uniform provision.
  - (b) \$250 annual voucher for uniform replacement.
  - (c) \$300 annually for uniform maintenance (distributed across pay periods).
- (b) **Full-time Support Services personnel:**
  - 1. **Class A Uniform** (All full-time uniformed Support Services personnel must purchase and maintain a Class A uniform. Records and Communications Supervisors must purchase and maintain a Class A uniform and wear it when mandated by the Chief of Police. (May wear business casual or professional business attire when on duty for regular assignment.)
    - (a) **Shirt**
      - (a) Long-sleeved light blue police-styled uniform shirt with epaulets (any fabric blend). Manufacturers include Conqueror, Elbeco, and Tact Squad.
      - (b) Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest, and shoulder patches affixed to sleeves. Badge patches and shoulder patches to be ordered from Administration.
      - (c) White shirts are designated for Seniors and Supervisors only. Shirt must be worn tucked into pants or skirt at all times.

- (b) **Tie**

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1. Black uniform tie with dull finish and silver tie bar.
- (c) **Name Plate**
  1. Shall depict first initial, period, and last name. Size, material, and design approved and ordered by Department (non-uniform store item)
- (d) **T-Shirt**
  1. Plain white scoop-necked t-shirt to be worn under long-sleeved uniform shirt (non-uniform store okay)
- (e) **Pant**
  1. Dark navy blue police-styled uniform pants or skirt (for women) of wool or blended fabrics.
- (f) **Belt-**
  1. Black leather basket weave uniform belt.
- (g) **Socks**
  1. Plain black socks (non-uniform store okay).
- (h) **Shoes**
  1. Black or dark navy closed-toe shoes (non-uniform store okay)
2. **Class B Uniform** (May be worn during all work assignments unless Class A has been mandated):
  - (a) **Shirt**
    1. Short-sleeved light blue police-styled uniform shirt with epaulets (any fabric blend). Manufacturers include Conqueror, Elbeco, and Tact Squad.
    2. Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest, and shoulder patches affixed to sleeves. Badge patches and shoulder patches to be ordered from Administration.
    3. White shirts are designated for Seniors and Supervisors only.
    4. Shirt must be worn tucked into pants or skirt at all times.
  - (b) **Name Plate**
    1. Shall depict first initial, period, and last name. Size, material, and design approved and ordered by Department (non-uniform store item).
  - (c) **T-Shirt**
    1. Plain white scoop-necked t-shirt may be worn under a short-sleeved uniform shirt (non-uniform store okay).

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- (d) **Pant**
  - 1. Dark blue police-styled uniform pants or skirt (for women) of wool or blended fabrics.
- (e) **Belt**
  - 1. Black leather basket weave uniform belt.
- (f) **Socks**
  - 1. Plain black socks (non-uniform store okay).
- (g) **Shoes**
  - 1. Black or dark navy closed-toe shoes (non-uniform store okay)
- 3. **Class C Uniform**--(May be worn during all work assignments unless Class A has been mandated):
  - (a) **Shirt**
    - 1. Short or long-sleeved dark navy blue polo shirt w/approved white embroidery with gray edging on both sides of the chest (fabrics include cotton pique or polyester w/Smart Weave). Manufacturers include Gilden, Cornerstone, 5/11 or Elbeco; Or
    - 2. Short sleeve dark navy women's polo shirt w/collar and V-neck and approved white embroidery on both sides of the chest. The manufacturer is Tri-Mountain, style #104(women) or #108(men)
    - 3. Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with gray edging, affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering.
    - 4. Position title embroidered under the name for Seniors/Supervisors only. (Titles include: Records Supervisor, Communications Supervisor, Senior Property/Evidence Technician, Senior PSA, and Senior Dispatcher.)
  - (b) **Pant/Skirt**
    - 1. Dark navy blue police styled uniform pants or skirt (for women) of wool blended fabrics; OR
    - 2. Dark navy blue 5.11 Taclite pants without drawstring cuffs.
  - (c) **Belt**
    - 1. Black leather basket weave uniform belt is required if the shirt is tucked into pants or skirt.
  - (d) **Socks**
    - 1. Plain black socks (non-uniform store okay).
  - (e) **Shoes**

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- (a) Black or dark navy closed-toed shoes (non-uniform store okay)

#### **4. Sweaters/Jackets (Optional)**

The following optional outer clothing may be worn while on duty. If desired for wear, it must be purchased from the uniform store. Other sweaters/jackets are not approved for wear while on duty.

- (a) 1. (a) **Dark navy uniform cardigan sweater** zippered or button. Manufacturer is A+;
- (b) **Dark navy uniform sweater vest** Manufacturer is A+;
- (c) **Dark navy pullover "job shirt"** with collar and zipper. Manufacturer is 5.11;
- (d) **Dark navy windbreaker jacket w/collar.** Manufacturer is Tact Squad;
  - 1. The above four garments may have embroidery as described below:
  - 2. Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with gray edging, affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering.  
OR
  - 3. Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering.
- (e) **Dark navy or black jacket** with pockets on chest. Manufacturers include Pilot or 5.11. No embroidery.

#### **Code Enforcement Personnel**

- (a) 1. **Class A Uniform** (All full-time uniformed Code Enforcement personnel must purchase and maintain a Class A uniform. Code Enforcement Supervisor must purchase and maintain Class A uniform and wear when mandated by Chief of Police. May wear business casual or professional business attire when on duty for regular assignments.):
  - (a) **Shirt**
    - 1. Long-sleeved light blue buttoned-down shirt. Manufacturer is Edwards #5077-001(women) #1077-001(men).
    - 2. Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of employee embroidered on right side of the chest. Block style lettering in black. Badge patches to be ordered from Administration.
    - 3. Shirt must be worn tucked into pants at all times.
  - (b) **Tie**
    - (a) Black uniform tie

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- (b) Silver tie bar.
  - (c) **T-shirt**
    - (a) Plain white scoop-necked t-shirt to be worn under long-sleeved uniform shirt (non-uniform store okay).
  - (d) **Pant**
    - 1. Dark navy blue police-styled uniform pants of wool or blended fabrics.
  - (e) **Belt**
    - 1. Black leather basket weave uniform belt.
  - (f) **Socks**
    - 1. Plain black socks (non-uniform store okay).
  - (g) **Shoes**
    - 1. Black closed-toe shoes (non-uniform store okay).
- 2. **Class B Uniform** (May be worn during all work assignments unless Class A has been mandated).
  - (a) **Shirt**
    - 1. Short-sleeved light blue buttoned-down police-style uniform type shirt. Manufacturers is Edwards #5027-001(women) #1027-001(men).
    - 2. Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of employee embroidered on right side of the chest. Block style lettering in black. Badge patches to be ordered from Administration.
    - 3. Shirt must be worn tucked into pants at all times.
  - (b) **T-shirt**
    - 1. Plain white scoop-necked t-shirt to be worn under long-sleeved uniform shirt (non-uniform store okay).
  - (c) **Pant**
    - 1. Dark blue police-styled uniform pants of wool or blended fabrics.
  - (d) **Belt**
    - 1. Black leather basket weave uniform belt.
  - (e) **Socks**
    - 1. Plain black socks (non-uniform store okay).
  - (f) **Shoes**
    - 1. Black closed-toe shoes (non-uniform store okay).

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3. **Class C Uniform** (May be worn during all work assignments unless Class A has mandated.
  - (a) **Shirt**
    1. Short or long-sleeved light blue polo shirt w/approved embroidery on both sides of the chest. The manufacturer is Tri-Mountain, style #104(women) or #108(men).
    2. Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of employee embroidered on right side of the chest. Block style lettering in black. Badge patches to be ordered from Administration.
    3. Shirt must be worn tucked into pants or shorts at all times.
  - (b) **T-shirt**
    1. Plain white scoop-necked t-shirt to be worn under long-sleeved uniform shirt (non-uniform store okay).
  - (c) **Pant**
    - (a) Dark navy blue police styled uniform pants of wool or blended fabrics; or
    - (b) Dark navy blue 5.11 TacLite pants without drawstring cuffs.
  - (d) **Belt**
    1. A black leather basket weave uniform belt is required if the shirt is tucked into pants or a skirt.
  - (e) **Socks**
    1. Plain black socks (non-uniform store okay).
  - (f) **Shoes**
    1. Black closed-toe shoes (non-uniform store okay).
4. **Jackets (Optional)**The following optional outer clothing may be worn while on duty. If desired for wear, it must be purchased from the uniform store. Other sweaters/jackets are not approved for wear while on duty.
  - (a) Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of employee embroidered on right side of the chest. Block style lettering in black. Badge patches to be ordered from Administration.
  - (b) **Black warm jacket** with zippered lining. Manufacturer is Tact Squad, Style 9001b
  - (c) **Black windbreaker.** Manufacturers include Auburn Sportswear, Tact Squad, and New Star Classic Collection.

### **Police Cadet**

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(a) **Class A Uniform** (Police Cadets must purchase and maintain a Class A uniform).

1. **Shirt**

- (a) Long-sleeved light blue police-styled uniform shirt with epaulets (all polyester). Manufacturer is Elbeco.
- (b) Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest, and shoulder patches affixed to sleeves. Badge patches and shoulder patches to be ordered from Administration.
- (c) Shirt must be worn tucked into pants at all times.

2. **Tie**

- (a) Black uniform tie
- (b) Silver tie bar

3. **T-shirt**

- (a) Plain white scoop neck t-shirt to be worn under uniform shirt (non-uniform store okay).

4. **Pant**

- (a) Dark navy blue police-styled uniform pants of wool or blended fabric

5. **Belt**

- (a) Black leather basket weave uniform belt.

6. **Socks**

- (a) Plain black socks (non-uniform store okay.)

7. **Shoes**

- (a) Black closed-toe shoes (non-uniform store okay).

8. **Key Holder**

- (a) Black leather (Optional)

(b) **Class B Uniform**--(May be worn during all work assignments unless Class A has been mandated)

(a) **Shirt**

- (a) Short-sleeved light blue police-styled uniform shirt with epaulets (all polyester). Manufacturer is Elbeco.
- (b) Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest, and shoulder patches affixed to sleeves. Badge patches and shoulder patches to be ordered from Administration.
- (c) Shirt must be worn tucked into pants at all times.

(b) **T-shirt**



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- (a) Plain white scoop-necked t-shirt may be worn under a uniform shirt (non-uniform store okay).
- (c) **Pant**
  - (a) Dark blue police-styled uniform pants of wool or blended fabrics.
- (d) **Belt**
  - (a) Black leather basket weave uniform belt.
- (e) **Socks**
  - (a) Plain black socks (non-uniform store okay).
- (f) **Shoes**
  - (a) Black or dark navy closed-toe shoes (non-uniform store okay).
- (c) **Jackets/Sweater (OPTIONAL)** The following optional outer clothing may be worn while on duty. If desired for work, it must be purchased from the Uniform Store. Other sweaters/jackets are not approved for wear while on duty.
  - (a) Dark navy uniform cardigan sweater, zipper, or button. Manufacturer is A+
  - (b) Dark navy windbreaker jacket w/collar. Manufacturer is Tact Squad.
  - (c) Dark navy pullover "job shirt" with collar and zipper. Manufacturer is 5.11
  - (d) The above 3 garments MAY have embroidery as described below:
    - (a) Embroidered "WPD" emblem with work unit designation (Cadet) in white with gray edging, affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering. OR
    - (b) Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering.
  - (e) Dark navy or black jacket with pockets on chest. Manufacturers include Pilot or 5.11.
    - (a) Shoulder patches should be attached to each shoulder, black name tape with first initial and last name in silver above right pocket; and approved embroidered badge patch w/appropriate title and ID# affixed above left pocket. Badge patches and shoulder patches are ordered from Administration.

**Part-time Personnel:** assigned to Records, Applicant LiveScan Operator, Part-time Dispatcher, assigned to Property and Evidence, and 290 registration staff assigned to Investigations. Upon hiring, the Department will issue a voucher for two approved polo shirts, and an additional voucher for two polo shirts annually. For regular wear, during all work assignments unless otherwise temporarily exempted (such as when authorized to wear casual business attire to a training class, etc).

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(a) **Shirt**

- (a) Short or long-sleeved dark navy blue polo shirt with approved white embroidery on both sides of the chest (fabrics include cotton pique or polyester w/Smart weave). manufacturers include Gilden, Cornerstone, 5.11, or Elbeco. Or
- (b) Short sleeve dark navy women's polo shirt w/collar and V-neck and approved white embroidery on both sides of the chest. Manufacturer is Tri-Mountain, style #104(women) or #108(men).
- (c) Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with gray edging, affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering.

(b) **Shoes**

- 1. Black or dark navy closed-toed shoes (non-uniform store okay).

(c) **Sweaters/Jackets** (Optional) The following optional outer clothing may be worn while on duty. If desired for wear, it must be purchased from the uniform store. Other sweaters/jackets are not approved for wear while on duty.

- (a) Dark navy uniform cardigan sweater, zippered or button. Manufacturer is A+
- (b) Dark navy windbreaker jacket w/collar. Manufacturer is Tact Squad;
- (c) Dark navy pullover "job shirt" with collar and zipper. Manufacturer is 5.11;
  - (a) The above three (3) garments may have embroidery as described below:
  - (b) Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with gray edging, affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering. Or
  - (c) Approved embroidered badge patch w/appropriate title and ID# affixed to the left side of the chest. First initial, period, and last name of the employee in white on the right side of the chest. Block style lettering.
- (d) Dark navy or black jacket with pockets on chest. Manufacturers include Pilot or 5.11. No embroidery.

(d) **Pant/Skirt**

- 1. Dark navy blue police styled uniform pants or skirt (for women) of wool or blended fabrics from a uniform store; OR
- 2. Dark navy blue 5.11 Taclite pants without drawstring cuffs from a uniform store; OR
- 3. Dark navy blue "Dickies" or "Dockers" styled pants (non-uniform store item).

(e) **Socks**

- 1. Plain black socks (non-uniform store okay).

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**Non-uniformed Full and Part-time Station Personnel:**(CAU staff, Management Analyst, Court Liaison, Administrative Secretary to Chief, Code Enforcement Secretary, and Support Services Manager).

- (a) Business casual or professional business attire is required for all regular assignments; formal business attire will be worn for special occasions as required by the Chief of Police.

#### **943.5 DUTY GEAR**

The items listed below shall be black, polished, full grain leather, stitched with heavy linen thread and stamped with basket weave design OR Nylon gear. All fasteners shall be chrome#plated or plain. Officers are still required to maintain a complete set of basket weave gear for formal events such as graduations, funerals, department photos, and other official events as directed by the Chief of Police.

- (a) Belt
  - 1. Shall be of the Sam Browne style without "D" rings or shoulder strap. The tongue shall be shaped into an English strap end.
- (b) Holster
  - 1. The holster shall be worn on the side for which it was designed.
  - 2. It shall be at the minimum a Level II holster approved by the Department Rangemaster.
- (c) Cartridge Carrier
  - 1. The magazine holders may be the type which will accommodate two magazines in a side by side configuration.
  - 2. It shall be worn on the side opposite the holster, in the front quarter, when not on external vest.
- (d) The Key Holder
  - 1. The key holder shall be the standard strap type or with a protective leather flap.
- (e) Baton Holder
  - 1. The baton holder shall be worn on the side opposite the holster near the trouser seam.
- (f) Handcuff Case
  - 1. It may be either the single or double handcuff case.
- (g) Flashlight Holder
  - 1. If desired to be worn, it shall be a professionally made leather or ring-type holder.
- (h) Portable Radio Holder
  - 1. Shall be a professionally made and issued by the Department.
- (i) Belt Keeper Straps

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1. Minimally four keeper straps shall be used to keep the police equipment belt in place. Two keeper straps shall be worn in front, proportionately spaced on each side and two in back each proportionately spaced, one on each side.
- (j) Chemical Agent
  1. Chemical agent canister is to be carried in black, basket-wave leather case, and worn on the side opposite the weapon.

#### **943.6 JACKETS**

##### Patrol Duty Jackets (Optional)

Patrol duty jacket shall be manufactured by a reputable uniform company for the specific purpose of patrol operations outerwear.

- (a)
  1. May be Nylon, polyester, or a combination of the two fabrics.
  2. Shall be solid black or dark navy blue in color with full zipper front.
  3. May have an optional zip-in zip-out liner
  4. Shall have at least two front pockets.
  5. A dark blue or black cloth name plate shall be sewn above the right pocket if horizontal pocket flaps are located on the bottom part of the jacket. On jackets without bottom horizontal flap pockets, name plate shall be sewn centered on the right chest area at a height directly opposite the middle of the badge. The officer's name shall be embroidered on the name plate using silver or gray, 1/2" block lettering. The name format shall be first initial and last name.
  6. A cloth badge, resembling the current shield style badge, supplied by the department, may be sewn in the appropriate badge area. The officer's rank shall be embroidered across the upper portion of the cloth badge. The officers ID number shall be embroidered on the bottom of the cloth badge. All embroidery is to be black in color. The standard badge shall be used if the cloth badge is not utilized. In all cases when wearing a jacket, it shall have a badge displayed.
  7. Department uniform shoulder patches shall be sewn on each jacket sleeve.

#### **943.7 BADGES**

- (a) When in uniform all officers shall wear the official badge currently issued to them. The badge shall be attached to the left badge holder on the outer most garment, and shall be visible at all times.
- (b) Officers, while on plainclothes duty, shall carry the official badge issued them, unless the type of assignment makes its carrying impractical.

##### **943.7.2 RETIREE'S BADGES**

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Whittier Police Department. (This identification is separate and distinct from the identification authorized

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by Penal Code § 25905 and referenced in the Retired Officer CCW Endorsement Policy in this manual).

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Whittier Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **943.7.2 MOURNING BADGE**

Uniformed employees shall wear a black mourning band 1/2 " in width horizontally across the uniform badge but not covering the ID number, whenever a law enforcement officer is killed in the line of duty

- a. An officer of this department from the time of death for 30 days.
- b. Any officer from California from the time of death until midnight on the day of the funeral.
- c. Funeral attendee while attending the funeral of an out of region fallen officer.
- d. National Peace Officers Memorial Day (May 15th) from 0001 hours until 2359 hours.
- e. As directed by the Chief of Police.

#### **943.8 UNIFORM ACCESSORIES**

- (a) Name tags.
  - (a) Name Bar shall be white metal.
  - (b) Shall be of the type provided by the Department. All replacements will be ordered through the Administration Division.
  - (c) Shall be worn centered immediately above the right shirt pocket.
- (b) Tie Bar
  - (a) Shall be worn evenly spaced between the shirt pockets and the top of the bar shall be level with the top of the shirt pockets.
  - (b) It shall be not less than 5/16" wide, nor more than 7/16" wide; not less than 1 3/4", nor more than 2 5/16" in length. It shall be white metal.
- (c) Medal of Valor
  - (a) In addition to the neck ribbon, a companion valor award ribbon shall be issued, equivalent to the Entenmann AR-1 (1/2 silver, 1/2 dark blue).
  - (b) The uniform valor award ribbon shall be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.
  - (c) In order of precedence, this award is first from right to left, followed by Meritorious and then Lifesaving (See diagram below). If other service pin(s) are earned then both or all will be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.

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- (d) Only one pin will be worn for this particular award. If multiple citations for this award are earned, the ribbon will be exchanged for one with a star representing each issuance (i.e. two, three, stars, etc).
  - (e) Comparable awards for Valor earned while employed at prior agencies will be honored and worn in the same location.
- (d) Meritorious Citation Award
  - (a) Recipients of the meritorious award shall be issued a complimentary ribbon to be worn on their uniform
  - (b) The uniform meritorious award ribbon shall be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.
  - (c) In order of precedence, this award is second, positioned from right to left, preceded by Medal of Valor and followed by Lifesaving (See diagram below). If other service pin(s) are earned then both or all will be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.
  - (d) Only one pin will be worn for this particular award. If multiple citations for this award are earned, the ribbon will be exchanged for one with a star representing each issuance. (i.e. two, three, four stars, etc)
  - (e) Comparable awards for Meritorious Citations earned while employed at prior agencies will be honored and worn in the same location.
- (e) Lifesaving Award
  - (a) Recipients of this award will be issued a complimentary (1/2 red, 1/2 white) ribbon to be worn on their uniform.
  - (b) The uniform lifesaving award ribbon shall be worn horizontally, centered vertically and horizontal on the right shirt pocket flap below the badge.
  - (c) In order of precedence, this award is last from right to left, preceded by Medal of Valor and then Meritorious (See diagram below) If other service pin(s) are earned then both or all will be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.
  - (d) Only one pin will be worn for this particular award. If multiple citations for this award are earned, the ribbon will be exchanged for one with a star representing each issuance. (i.e. two, three, four stars, etc)
  - (e) Comparable awards for Lifesaving earned while employed at prior agencies will be honored and worn in the same location.
- (f) The following pins may be worn on the right breast pocket flap below the seam and name plate. Only two pins may be worn at any one time, if more than one is possessed they can only be worn in the two designated locations described below (see diagram below):
  - (a) City Service Award Pin

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- (a) The City-issued service award pin shall be worn in either of the two designated places on the right breast pocket flap of the uniform shirt (see image below), or the cloth jacket of Department employees.
- (b) American Flag Pin
  - (a) Officers may wear a pin made in the image of the American Flag. The pin shall be 3/4" tall and 3/4" wide at the widest point. The pin is to be worn only on the left side of the right breast pocket flap below the seam as indicated in the diagram below.
- (c) 23152 Pin.
  - (a) Officers receiving the DUI pin may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.
- (d) 10851 Pin
  - (a) Officers receiving the 10851 pin may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.
- (e) SWAT Pin
  - (a) Officers who are active members of the Department's SWAT team may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.
- (f) City Service Pin
  - (a) Members being awarded the City Service Pin may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.
- (g) Military Branch Pin
  - (a) The Department approved military pin can be worn on any uniform on the right breast pocket flap below the seam, except when military ribbons are worn on the Class A. This pin shall be worn on the left side of the right pocket and measure 1"W X 3/4"H. It can be either the military branch pin with the flag (see example)



or just the flag. If a solitary flag pin is worn, the military pin will be worn on the right side of the right pocket.

- (g) Military Ribbons

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- (a) Military ribbons may be displayed on Class A uniforms for personnel who are military veterans or are currently serving in the military reserves under the following guidelines
  - (a) Only ribbons that were awarded while on active duty or active reserve/national guard status may be displayed.
  - (b) Ribbons for both medals and service awards may be worn along with the proper ribbon devices (i.e., bronze service stars or oak leaves for multiple awards.)
  - (c) Ribbons are to be worn on the left breast pocket flap below the seam.
  - (d) They are to be centered with the first row worn directly below the pocket seam. Subsequent rows are to be worn on the pocket flap. If only one row is being worn, the ribbons will be centered below the pocket seam, directly under the badge.
  - (e) Multiple ribbons are to be worn with a ribbon bar designed for the appropriate amount of ribbons.
  - (f) If the officer possesses the Departmental Medal of Valor, Meritorious or Lifesaving pins, these pins shall be worn above the military ribbons on the left breast pocket flap and below the seam.
- (h) Placement diagram for pins.

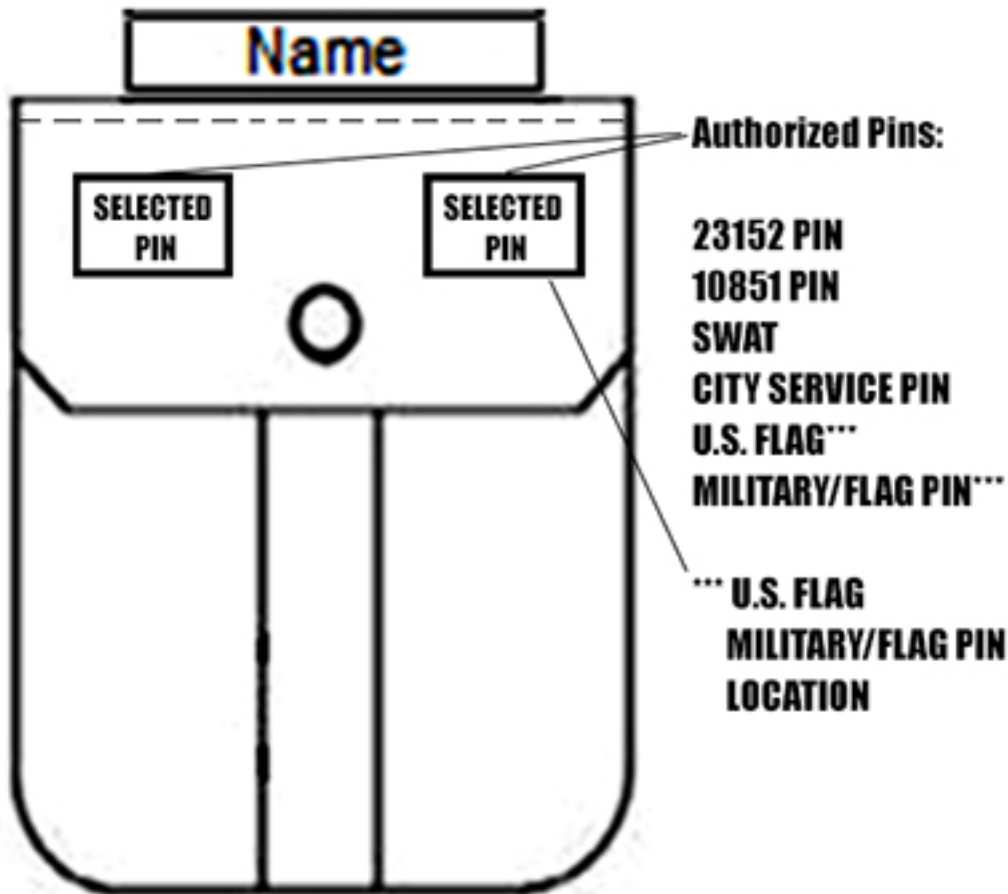


*Uniform Regulations*

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(a)

## Right Pocket



### 943.8.1 DEPARTMENT EMBLEMS AND INSIGNIAS

(a) Shoulder Patch

- (a) All uniformed officers shall wear the Department shoulder patch on each shoulder of the uniform shirt and jacket.
- (b) The top edge of the shoulder patch shall be 1/2" below the shoulder seam.

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- (c) The shoulder patch shall have a black background bearing the clock-style lettering stating, "WHITTIER POLICE", 1/2" high. The word WHITTIER above the circle, and the word POLICE below the circle. The lettering and the outside border of the emblem shall be LAPD silver in color. It shall be on a black cloth approximately 2" in diameter and contain the approved Department design.
- (b) Service Stripes
  - (a) For every five years of service with this Department or other police agency, as a sworn police officer, one service stripe shall be worn on the uniform shirt.
  - (b) The service stripe may be worn six months prior to the five-year period represented if the wearer so desires.
  - (c) Service stripes shall be embroidered or cloth-on-cloth style, black edged with LAPD silver on a black background, cut and embroidered on a 45 angle. This stripe shall be 3/8" wide, and 2" long, with a black cloth background 1/4" longer than the stripe. All service stripes shall be sewn on with professional skill and with plain, invisible black thread stitching.
  - (d) Service stripes shall be sewn on the lower left sleeve of the long-sleeve uniform shirt, with the lower edge of the bottom stripe 1/2" above the top edge of the cuff. The complete stripe shall be in front of the center press of the sleeve.
- (c) Field Training Officer Insignia
  - (a) The Field Training Officer is not a rank in the chain of command, however, it does carry with it an insignia designating the officer's duties within the organization.
  - (b) The insignia worn on the FTO uniform shirt shall be one strip of the United States Army regulation size with a silver five-pointed star immediately below it. It will have a black striped edge in LAPD silver on a black background. It may be either cloth-on-cloth or embroidered type. In the latter case, the embroidering shall be done so closely that the base material is not visible. The stripe shall be sewn on with black thread and with professional skill.
  - (c) Shall be worn on each sleeve of the uniform shirt worn by Field Training Officers and on the nylon patrol duty jacket. The top point of the chevron shall be placed 1/2" below the Department emblem on the shoulder.
- (d) Corporal Rank Insignia
  - (a) The Corporal's rank insignia worn on the uniform shirt shall be two stripes of United States Army regulation size, with black stripe edge in LAPD silver on a black background. It may be either cloth-on-cloth or embroidered type. In the latter case, the embroidering shall be done so closely that the base material is not visible. Stripes shall be sewn on with black thread and with professional skill.
  - (b) Shall be worn on each sleeve of the uniform shirt worn by the Corporals. Wearing the chevrons on the nylon car duty jacket is optional. The top point of the chevrons shall be placed 1/2" below the Department emblem.
- (e) Sergeant Rank Insignia

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- (a) The Sergeant's rank insignia worn on the uniform shirt shall be three stripes of the United States Army regulation size, with black stripes edged LAPD silver on a black background. It may be either cloth-on-cloth or embroidered type. In the latter case, the embroidering shall be done so closely that the base material is not visible. Chevrons shall be sewn on with black thread and with professional skill.
  - (b) Shall be worn on each sleeve of the uniform shirt worn by Sergeants. Wearing the chevrons on the nylon patrol duty jacket is optional. The top point of the chevrons shall be placed 1/2" below the Department emblem. Sergeants assigned to traffic duty shall wear the chevrons 1/2" below the bottom of the Traffic Tactical Unit emblem.
- (f) Lieutenant Rank Insignia
  - (a) The Lieutenant's rank insignia worn on the uniform shirt shall be a single, plain, flat, white-metal bar, 1/4" wide, and 3/4" long. The bar shall be equipped with a clutch fastener.
  - (b) The bar shall be affixed to the center of each side of the collar of the uniform shirt. The front edge of the bar shall be 3/4" from and parallel with, the front edge of the collar.
  - (c) When wearing a jacket the bars will be worn on the collar of the jacket.
- (g) Captain Rank Insignia
  - (a) Two bars, flat white metal, 3/8" wide and 1" long, joined by a small wire at each end. The bars shall be equipped with either a pin and safety catch or a clutch fastener.
  - (b) The two bars shall be affixed to the center of each side of the collar of the uniform shirt. The front edge of the bar shall be 3/4" from and parallel with, the front edge of the collar.
  - (c) Two bars shall be worn on each shoulder of the jacket, placed so that the outer edge of the bar is 5/8" from and parallel with the sleeve seam. The bars shall be centered directly over the shoulder seam.
- (h) Chief Rank Insignia
  - (a) Four stars, white metal.
  - (b) The four stars shall be affixed to the center of each side of the collar of the uniform shirt. The front edge of the bar shall be 3/4" from and parallel with, the front edge of the collar.
  - (c) Four stars shall be worn on each shoulder of the jacket, in such a manner that one point of each star points to the rear. The center of the outside star shall be 1" above the sleeve and centered directly over the shoulder seam.
- (i) Traffic Tactical Unit Emblem

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- (a) Officers assigned to two-wheeled motorcycle duty shall wear the traffic tactical unit emblem on each sleeve of the uniform shirt and patrol jacket. It shall be placed 1/4" below the bottom of the Department shoulder patch.
- (b) The emblem shall consist of a LAPD silver silk thread on a black background eight-spoked wheel, 7/8" in diameter, with a horizontal arrow 1-3/4" long and 1/8" wide.

#### 943.8.2 ADDITIONAL EQUIPMENT

- (a) Baton (Officers shall only carry those types of batons for which they have been properly trained).
  - (a) ASP collapsible baton
    - (a) Holster must match duty gear and Asp shall be carried in the respective holster during uniform field duties.
  - (b) The Peacekeeper RCB baton
    - 1. Black or Nickel
    - 2. 26" only
    - 3. Holster must match duty gear and RCB baton shall be carried in the respective holster during uniform field duties
  - (c) Straight baton
    - (a) Straight baton constructed of wood, 26 to 29 inches in length. The baton shall be 1 1/8 to 1 1/4 inches in diameter and shall be equipped with a black rubber grommet positioned approximately seven inches from one end of the baton. The baton shall be either black or brown (natural wood) in color. It shall also be smooth (sanded) in texture.
    - (b) Straight baton shall be carried in their respective holder and not modified in any way. The exception is the name and/or ID #label or engraved above the rubber grommet (area where the baton is held. No other script or text shall be permitted. Engraved text font shall not exceed 1/2 inch in size.
    - (c) Straight baton shall be carried in the respective holder during uniform field duties.
- (b) Handcuffs
  - 1. The handcuffs shall be of all-steel construction, with either metal chrome, nickel-plated, or flat black finish, Smith & Wesson or Peerless brand.
  - 2. Officers shall carry a key that opens the handcuffs.
  - 3. Handcuffs shall be carried in the handcuff case.
- (c) Rain Equipment
  - (a) Officers shall wear rain equipment when weather conditions may require to ensure uninterrupted performance of duty.

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- (b) Rain clothing shall be the two-piece rain suit, yellow in color, either rubber or vinyl material, with rust-proof snap fasteners.
- (d) Flashlight
  - (a) All officers shall carry a flashlight during the hours of darkness.
  - (b) Maybe no larger than 5-cell size.
- (e) Reflective Vests
  - (a) Shall be those issued by the department.
- (f) Duty Suspenders
  - (a) Nylon material.
  - (b) Shall be black in color with straps being no larger than "1 1/2
  - (c) Will cross in the back and be only worn with the Class B or C uniform
  - (d) Shall not be worn off the shoulder while in uniform at any time.
  - (e) Approved vendors will be "bmp 911 (online vendor) or Uncle Mike's model 9120-3 or 9120-4(Galls).

#### **943.8.3 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Whittier Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or caused to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Whittier Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

#### **943.9 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:

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1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

#### 943.9.1 RECRUIT TRAINING UNIFORM

The items worn by male and female regular Officers while attending Academy training shall be the same as provided above, except as otherwise specified by the Academy they are attending.

#### 943.9.2 TRAFFIC AND MOTOR OFFICER UNIFORM

The items identified in this section constitute the basic duty uniform for traffic and motor officers and shall comply with the specifications set forth by the Whittier Police Department

(a) Helmet

- (a) The motor helmet worn shall be that issued by the department.
- (b) May be worn while engaged in traffic control activities or conducting accident investigations.
- (c) Shall be worn in potentially riotous situations or disturbances
- (d) Shall be worn on the order of a superior officer.
- (e) Shall be worn while operating any motorcycle.

(b) Breeches

- (a) Officers, while assigned to two-wheel motorcycles shall wear breeches in lieu of the uniform pants.
- (b) Material shall be 100% wool, Navy (blue) **OR**
- (c) Motosport Air Mesh Trousers #102508-CUST/Dark Blue
  - (a) Inside rear no flap/zip hip pockets
    - (a) ZIPPER 03/Zipper/Velcro cuff closure (no extra velcro past flap)
    - (b) POCKET 03/Right and left cargo pockets.
    - (c) REFLECTIVE/Full gray reflective stripe
  - (b) These trousers may be purchased by the officer and shall be worn with black patrol boots.
  - (c) Traffic bureau motor officers will be required to possess and maintain issued trousers and motor boots for Class-A attire.

(c) Boots

1. Officers assigned to two-wheeled motorcycle duty shall wear motorcycle officer boots.

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2. After wrinkling at the ankle, the top of the boot shall be within 1" below the bottom of the bone of the outside of the leg just below the knee.
- (d) Neckwear
  - (a) A knit turtleneck dickey may be worn.
  - (b) It must be black in color, with no design or initials visible.
  - (c) The dickey shall have a full turn-down collar.
- (e) Class A uniform
  1. Motor officers shall wear the motor breeches and motor leather boots with the departmental Class A uniform. Motor officers shall wear the standard Class A tie or a black bow tie.
- (f) Leather Jacket (Optional for Motorcycle Officers.)
  1. Material shall be black, Napa chrome-tanned calf skin or garment-tanned top grade cowhide or horsehide.
  2. Collar shall be made of short cropped hair fur, black or dark brown in color, similar to "mouton" leather black electrified lamb's wool, #1 grade.
  3. Material, style and construction shall meet the specifications set forth and known as the standard Los Angeles Police Department motor officer jacket.
- (g) Whistle
  - (a) Officers assigned to the traffic bureau as their primary assignment will be permitted to wear a silver Vanguard styled whistle chain with their Class A or Class B uniforms only.
  - (b) The whistle chain will be worn so that the top portion attaches to the right lapel while the whistle is kept in the right breast pocket.

#### 943.9.3 OTHER UNIFORMS

##### SET/POP

- (a) These details will be authorized to wear denim jeans, BDU, or cotton trousers.
- (b) T-shirts worn may not contain any offensive text or graphics. This includes, but is not limited to, text or graphics related to alcohol, drugs, sex, weapons, or violence.

##### Canine

- (a) Those assigned as Canine Officers will be authorized to wear a black Class -C uniform when working or training in a canine capacity with the police service dog. In all other work situations, where the police service dog is not in service, Canine Officers will wear the Class "A", "B" or "C" uniform
- (b) Black Shirt
  1. 5.11 style #71354 (short sleeve)/ #72399 (long sleeve)
- (c) Black Pants

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1. 5.11 style #74369 (men's)/#64386 (Women's)
- (d) Shoulder Patch
  1. Whittier Police Department black and gray patch

#### **943.9.4 HONOR GUARD**

The Honor Guard uniform differs from the Department's Class "A" uniform in the following manner:

- (a) Honor Guard Blouse Coat LAPD Style
  1. With 4 Gold P Buttons Above Belt.
  2. Preset holes in collar to hold Brass WPD insignia
  3. Preset holes in blazer on right chest for nameplate
  4. Built in sweat pads
  5. Preset belt hooks (4) total in front and back.
  6. CA Gold Piping around collar, epaulets, sleeve points.
  7. Honor Guard patches on each shoulder
- (b) Honor Guard Trousers--LAPD Style
  - (a) 1/2 inch Gold braid down pant leg.
- (c) WPD Collar Brass no periods--one bar on bottom behind WPD.
- (d) Safariland Flap Holster for Sig P226R .40caliber--hidden snap
- (e) Sam Browne Duty Belt--Brass Buckle
- (f) Keepers (4)--Hidden snap.
- (g) Handcuff Case (1)--Hidden snap.
- (h) Double Magazine Pouch for Sig P226R--Hidden snap.
- (i) D rings for Shoulder Straps
- (j) Brass Shoulder Straps.
- (k) Thorogood Honor Guard Patent Leather Shoes.
- (l) White gloves (1 pair) with rubber dot grips.
- (m) Name plate 1/2 inch--gold-last name only--black ink.
- (n) Ceremonial shoulder cord--gold
- (o) P buttons for dress cap--gold
- (p) Gold hat band for dress cap.

#### **943.10 ACQUISITION OF UNIFORMS**

- (a) Newly appointed uniformed personnel will assemble a complete uniform as soon as practicable after appointment.



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1. The newly appointed employee will, after initial processing, be directed to the Administration Division for the issuance of those uniform items that are required and available from the Department Inventory. These items are considered non-expendable and may include, but are not limited to, the following for sworn personnel:
  - (a) Helmet
  - (b) Badge
  - (c) Nameplate
  - (d) Identification Card
  - (e) Access Card
  - (f) Patches
  - (g) Traffic Vest
  - (h) Chemical Mask
  - (i) Station Keys
  - (j) Ballistic vest
  - (k) Taser and holster
  - (l) Handgun and holster
  - (m) tactical light
  - (n) Lockers for inside and outside with key for outside
  - (o) Citebooks (traffic and parking)
  - (p) Cover for Class A with hat-piece
  - (q) Asp and holder. The RCB is optional and at the Officer's expense.
  - (r) Other items as determined by the Services Division (i.e. tape packets, Radio, charger, holster, parking pass, etc)
- (b) The Administration Division, upon issuance of available items, will keep a record of issued items.
- (c) New employees will be issued a uniform voucher for the purchase of expendable uniform items in the amount stated in the current M.O.U.A receipt for the voucher amount will be signed by the employee. Motor officers upon appointment will be given a voucher in the amount designated in the MOU.
- (d) Newly appointed employee shall receive a voucher for the purchase of a ballistic vest.
- (e) As a part of the employee's hire the employee will sign a statement, available from the Administrative Bureau, acknowledging that upon termination from a position that qualifies for uniform allowance, the following will be effective.
  - (a) The employee will be required to turn in all equipment not designated expendable in a condition acceptable by the Police Department.

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### *Uniform Regulations*

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- (b) If an employee terminates from a uniformed position within three years from the date of appointment (according to the MOU), the full amount of the uniform allowance, less credit for non-expendable items returned in good condition, will be refunded to the City.
- (c) Credit allowance for returned items would be at the current replacement cost of new items.
- (f) Uniformed employees, other than sworn police officers, who have received an initial uniform allowance, and subsequently become sworn police officers, will be entitled only to the difference between the amount of the actual initial allowance, and the total \$545.42 allowable amount, plus amounts credited for any non-expendable items, returned.
- (g) The City Controller will withhold all amounts due as a result of an employee's failing to return required uniform items from the terminal pay of the employee.

#### 943.10.1 UNIFORM MAINTENANCE ALLOWANCE

- (a) Sworn personnel are provided with an annual uniform maintenance allowance in the amount specified in the MOU each December when the uniform is required to be worn regularly.
  - (a) Additionally, if an officer's uniform is not in an appropriate condition, the affected employee can be required by his/her supervisor to purchase a new uniform. This requirement is not a grievable matter according to the MOU.
- (b) Replacement and/or repair of uniforms and accessories damaged in the line of duty will be made at City expense to the degree determined by the Chief of Police.
  - (a) Employees requesting replacement of Department issued equipment or clothing will write a memo to their immediate supervisor outlining the following:
    - (a) Date of occurrence.
    - (b) Job performing when article was damaged
    - (c) Exact article needing replacement (i.e. Wool, class B, uniform, shirt or class C uniform shirt with long sleeves, etc)
    - (d) Supervisor's initials approving request.
  - (b) The memo will be forwarded through the chain of command to the Administrative Lieutenant.
  - (c) A replacement voucher will be provided to the employee.
- (c) If it is determined by the Chief of Police that the damage to the uniforms and accessories is the result of the negligence of the employee, replacement and/or repair costs will not be borne by the City.

## Peer Support and Assistance Program

### 947.1 PURPOSE AND SCOPE

The Whittier Police Department recognizes the value of providing an in-house resource for employees and their family members to support them in managing both professional and personal crisis.

The Peer Support Team may be utilized to support other City Departments and personnel and should work in cooperation with peer support teams of other agencies and/or City Departments in multi-agency and/or multi-department incidents. The Peer Support Team may also be utilized to support the community in situations of critical incidents, such as school shootings, natural disasters, etc.

### 947.2 DEFINITION

The Peer Support Program is a program that offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit or self. This communication is confidential, providing it does not violate any law or Department regulation. This program is designed to:

- (a) Provide emotional support during and after times of personal or professional crisis to other employees who need assistance;
- (b) Promote trust, allow anonymity, and preserve confidentiality for persons using Peer Support within the guidelines of the program;
- (c) Develop members who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required;
- (d) Maintain an effective peer support training and response program;
- (e) Check on the wellbeing of employees out with illnesses / ODI's and provide support where desired and needed.

### 947.3 MISSION STATEMENT

The role of the Whittier Police Department Peer Support Team is to be available to listen, support, refer, and assist employees and family members during professional or personal, stressful, or difficult periods in their lives.

### 947.4 ACCESSING PEER SUPPORT

The Peer Support Team is available 24 hours a day, 7 days a week to all employees. There are Peer Support Team brochures available at several locations in the main station and staging facility briefing rooms, with team member contact information included.

### 947.5 POLICY

The Peer support Team is intended to be a resource available to the Department in the event of critical incident or crisis. Peer Support personnel will be available to:

- (a) Listen to another employee's feelings after a critical incident or crisis situation;

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### *Peer Support and Assistance Program*

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- (b) Facilitate or assist supervisors in defusing critical incidents;
- (c) Respond to an employee's request for peer support or assistance;
- (d) Arrange for Critical Incident Stress Management (CISM) debriefings;
- (e) Provide information on other resources available (Employee Assistance Program, Alcoholics Anonymous, financial support, etc.)
- (f) Provide Peer Support orientation to new employees

Personnel who may possibly be involved in conducting any administrative or criminal investigation or administrative discipline relating to an employee seeking assistance shall avoid any conflict of interest.

Peer Support personnel shall also be available for support and assistance on any other incident at the discretion of the Chief of Police or his designee. In addition, Peer Support personnel may be utilized to support the community or other law enforcement agencies in critical incident situations. Examples would be school shootings, natural disasters, etc.

#### **947.6 CRITICAL INCIDENTS**

A "critical incident" is any event that causes an unusually intense stress reaction. The distress people experience after a critical incident limits their ability to cope, impairs their ability to adjust, and negatively impacts the work environment.

Critical Incidents that may require a Peer Support response may include, but are not limited to:

- (a) Officer involved shootings;
- (b) Where an employee witnesses another employee's death or serious injury;
- (c) Where an employee is taken hostage;
- (d) Where an employee is a witness to a suicide;
- (e) Where an employee is a witness to a violent death or serious injury;
- (f) Infant/child death
- (g) Any incident that is likely to affect the employee's ability to interact with the public and carry out their job functions;
- (h) Any other incident deemed appropriate by any employee and approved by a supervisor.

#### **947.7 DEFUSING/DEBRIEFING**

Defusing will be conducted by Peer Support personnel or a certified CISM mental health professional as soon as practical after a critical incident. Debriefings should occur within 24-72 hours after the critical incident. Attendance at defusing and debriefings is highly recommended for all employees involved in the critical incident.

A defusing immediately follows the critical event and generally lasts no longer than one hour. It gives those involved in the incident the "big picture" of what occurred. It gives involved personnel a reminder about exercise, what foods to eat, to drink plenty of water and to know their thoughts

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are normal. Peer support team members with critical incident stress management training may conduct a preliminary assessment of the incident's impact on the involved employee(s) and recommend appropriate options to the Peer Support Coordinator, including referral.

A defusing may eliminate the need for a formal debriefing or it may enhance the formal debriefing process. Department chaplains may be present at defusing sessions.

Following a critical incident and/or a diffusion session, the Peer Support Coordinator, in consultation with the Program Lieutenant, will decide on the need for a formal debriefing referral, to be conducted by a certified CISM mental health professional (The Counseling Team International). The request for a formal debriefing will need to be approved by the Division Commander. At the request of a CISM mental health professional, peer support team members and/or Department chaplains may be present during formal debriefings.

When responding to support an employee following an officer involved shooting, or an incident involving a significant use of force by the employee, the role of Peer Mentoring Team members will be to take care of the employee's immediate needs, until a certified CISM mental health professional is able to respond to the station to conduct a defusing and/or a debriefing session. Under these circumstances only a certified CISM mental health professional will be present in the session with the employee.

#### **947.8 CONFIDENTIALITY**

The acceptance and success of the Whittier Police Department Peer Support and Assistance Program will be determined in part by the observance of confidentiality. It is imperative each Peer Support Team Member maintain strict confidentiality of all information learned about an individual within the guidelines of this program.

All conversations between Peer Support personnel and employees are not privileged communications under the Evidence Code. The department will respect the confidentiality of conversations between Peer Support personnel and employees, with the following exceptions:

- (a) Information concerning the commission of a crime;
- (b) The employee or a third party is a danger to themselves or to others.

Disclosures under this exception will be made directly to the Program Lieutenant and communicated through the chain of command to the Division Commander and Chief of Police.

#### **947.9 TEAM STRUCTURE**

**Program Lieutenant** –The Program Lieutenant shall be responsible for the program's administrative, staffing, planning, and financial tasks and will serve as a liaison to the command staff.

**Program Coordinators** - The Program Coordinator(s) should be of the rank of Sergeant. The Program Coordinator(s) shall be responsible for operational, response, and training tasks of the team.

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**Peer Support Team Members** - Peer Support Team Members shall be selected from the Department personnel at large.

**Certified CISM Mental Health Practitioner** –For purposes of consultation, referral, and debriefings.

#### **947.10 ROLE OF PEER SUPPORT TEAM MEMBERS**

Peer Support Team Members provide support and assistance to employees in times of stress and crisis. The responsibilities of a Peer Support Team Member are as follows:

- (a) Convey trust and anonymity and assure confidentiality within the policy to employees who seek assistance from the Peer Support Program;
- (b) Attend assigned Peer Support training seminars;
- (c) Provide assistance and support;
- (d) Assist the employee by referring them to the appropriate outside resource when necessary;
- (e) Be available to employees for additional follow-up support;
- (f) Maintain contact with the Program Coordinators regarding team activities;
- (g) Agree to be contacted and if necessary, respond at any hour to assist an employee in need.

#### **947.11 PAY AND COMPENSATION**

When members of the Peer Support Team are notified to respond for assistance, the following pay and compensation policies will be in effect. Whenever possible, overtime will be preapproved by the Program Coordinator(s).

- (a) If the personnel are on-duty they will be paid as Hours Worked;
- (b) If the personnel are off-duty they will send an overtime request to their immediate supervisor.
- (c) The pay/compensation will be the same as the guidelines set forth in the applicable Memorandum of Understanding for that Team Member;
- (d) There is no pay/compensation for being on a call-out roster, should one be established.
- (e) Selection of members on the Peer Support team is not considered a special assignment as set forth in Memorandum of Understanding.
- (f) Members on the Peer Support Team are considered "At Will" and can be removed by the Program Coordinators, in consultation with the Program Lieutenant.

Generally, when an employee is on duty, meetings and follow-up contacts by a Peer Support Team Member will be coordinated with that employee's immediate supervisor. Consideration should be given to the employee's position, minimum staffing levels, calls for service and availability to attend meetings.

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### *Peer Support and Assistance Program*

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#### **947.12 TRAINING**

Peer Support Team Members should receive training in the following areas:

- (a) Effective listening;
- (b) Critical incident stress;
- (c) Debriefing and defusing techniques;
- (d) Post-traumatic stress;
- (e) Problem-solving skills;
- (f) Relationship termination;
- (g) General assessment skills;
- (h) Referral follow-up.

The suggested training matrix for team members is as follows:

- (a) Basic Peer Support (year 1)
- (b) Basic Critical Incident Management (year 2)
- (c) Advanced Peer Support (year 3)
- (d) Assisting Individuals In Crisis & Groups Intervention Training (year 4)
- (e) The Impact of Officer Involved Shootings (year 5)
- (f) Dealing with Depression and Suicide Situations (year 6)
- (g) The Strength of Posttraumatic Growth (year 7)
- (h) Understanding Grief and Bereavement (year 8)
- (i) Any additional training as deemed necessary by the Chief of Police, Program Coordinators or Program Lieutenant.

In addition, The California Peer Support Association offers a training conference each year. A selected number of members may be budgeted to attend each year. Those in attendance shall provide training for team members unable to attend. Peer Support Team Members should attend on-going training to stay current on the latest practices and procedures for assistance to employees.

#### **947.13 PEER SUPPORT TEAM RESPONSE FORM**

A Peer Support Team response form shall be completed by the Program Coordinator and submitted to the Program Lieutenant after the conclusion of each response. The response form will be maintained by the Program Lieutenant. The response form will track and document team members who responded, overtime used and any incidental purchases.

## Department Badges

### 950.1 PURPOSE AND SCOPE

The Whittier Police Department badge and uniform patch as well as the likeness of these items and the name of the Whittier Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 950.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 950.2.1 FLAT BADGE

Sworn officers shall be issued a flat badge capable of being carried in a wallet upon approval of the Chief of Police. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual.
- (b) An honorably retired officer may keep his/her flat badge upon retirement with the approval of the Chief of Police.
- (c) Any sworn employee who is placed on administrative leave, terminated or resigns in lieu of termination, is released for other than honorable reasons, or is retiring because of a psychological disability shall relinquish their flat badge immediately to the Chief of Police or his/her designee.
- (d) The purchase, carrying, or displaying of a flat badge is not authorized for non-sworn personnel.

#### 950.2.2 NON SWORN PERSONNEL

Non sworn personnel will not be issued metal badges (Flat or domed).

Departmental identification card issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 950.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.



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### *Department Badges*

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#### **950.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

#### **950.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Whittier Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

## Temporary Modified-Duty Assignments

### 952.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

### 952.2 POLICY

Subject to operational considerations, the Whittier Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 952.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Whittier Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 952.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

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### *Temporary Modified-Duty Assignments*

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The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. The Department may also work with other City Departments to identify work needs and assign employees as needed throughout the City for the benefit of the employee and the City.

#### **952.4.1 MODIFIED-DUTY SCHEDULES**

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

#### **952.5 ACCOUNTABILITY**

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and any other necessary notifications. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **952.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

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### *Temporary Modified-Duty Assignments*

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The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **952.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

##### **952.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

#### **952.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### **952.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 956.1 PURPOSE AND SCOPE

This policy is intended to address workplace privacy expectations and issues associated with the necessary regulation and balancing of employee speech and expression (including social networking and other electronic communication) with the legitimate operational needs of the Department. The Whittier Police Department may take disciplinary action against employees, up to and including termination, for violations of this policy that adversely affect the employee's job performance, the performance of the employee's co-workers, is detrimental to the mission and function of the Department or otherwise adversely affects members of the public served by the Department, people who work on behalf of the Department or the Department's legitimate business interests.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under the Constitution of the United States and the Constitution of the State of California, labor statutes and regulations (e.g. Meyers-Milans-Brown Act) and or other applicable laws. For example, this policy does not restrict an employee from

Speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, (such as misconduct or corruption.)

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 956.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 956.2 POLICY

Public employees, especially Police Department personnel, occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Whittier Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

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### *Employee Speech, Expression and Social Networking*

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#### **956.3 SAFETY**

Employees should consider carefully the implications of their speech or any other form of expression including when using the Internet and other technology that can be widely disseminated. Speech and expression that may negatively affect the safety of Whittier Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the home address and other personal contact information (e.g. telephone number or personal email address) of a fellow officer.
- Publicly disclosing where another officer can be located off-duty.
- Publicly identifying a fellow officer's family members as having a relationship with the law enforcement community. While such conduct is not expressly prohibited in every circumstance, employees are cautioned to exercise reasonable judgment before providing a fellow employee's personal information to any outside party.

Any employee who discovers what he/she perceives to be a threat against the safety of any Whittier Police Department employee (or the employee's family) on any social media forum shall promptly notify his/her supervisor of that perceived threat. If the discovering employee is off-duty, the employee shall promptly contact the on-duty supervisor. The Whittier Police Department shall promptly notify the affected employee of such threats against the employee's safety and/or the safety of the employee's family. The Department shall take all reasonable actions to ensure the safety of the affected employee and/or his/her family, including requesting assistance from the local law enforcement agency in the location of the affected employee's residence, and seeking to remove the threatening content from the social media forum.

#### **956.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Whittier Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Whittier Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Whittier Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law, the state, or the U.S. Constitution.

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### *Employee Speech, Expression and Social Networking*

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2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportation are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Whittier Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Whittier Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.
1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  2. During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 956.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Employees are not restricted from engaging in any political endorsements or social activities as private citizens or as authorized members of a recognized bargaining unit. While nothing shall prevent an employee from identifying himself/herself as an employee of the Whittier Police Department in conjunction with his/her political speech, employees may not represent that their political, social, or other personal views are those of the Whittier Police Department. Unless specifically authorized by the Chief of Police, employees shall not identify themselves in any way that could be reasonably perceived as speaking on behalf of, or officially representing the Whittier

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Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code §3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative:
- (b) Endorse, support, oppose or contradict any social issue, cause or religion:
- (c) Endorse, support or oppose any product, service, company or other commercial entity:
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Whittier Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **956.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any Department technology system.

The Whittier Police Department reserves the right to access, audit, and when legally obligated disclose any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the Department e-mail system, computer network, Department issued cellular phones, or any information placed into storage on any Department system or device.

This also includes records of all key strokes or web-browsing history made at any Department computer or over any Department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a Department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).



# Line-of-Duty Deaths

## 958.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Whittier Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

### 958.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 958.2 POLICY

It is the policy of the Whittier Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate. To facilitate the wishes of the deceased member, all employees will complete the Line Of Duty Death Form (These forms will be kept in the Administration Division and online at O:\2-PD Forms\Line of Duty Death Forms). All information will be updated annually at the time of their annual evaluation. This information will be kept confidential and in the employee's personnel file.

## 958.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).

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- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### **958.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

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workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Whittier Police Department members may be apprised that survivor notifications are complete.

#### **958.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### **958.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

#### **958.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **958.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.

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- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 958.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Whittier Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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#### 958.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

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- (h) Coordinating with the department's Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 958.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

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- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

#### 958.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

#### 958.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:



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- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Whittier Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

#### 958.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
  - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
  - 2. Social Security Administration.
  - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
  - 1. Education benefits (Education Code § 68120).
  - 2. Health benefits (Labor Code § 4856).
  - 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

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- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### **958.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **958.7 PRESS INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

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- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

#### **958.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **958.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **958.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **958.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

# Nepotism and Conflicting Relationships

## 959.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 959.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent. Relative may also include any person related by blood, marriage or domestic partnership if there is a potential for creating an adverse impact to supervision, safety, security, morale or a conflict of interest, for more detail please refer to the City Rules and Regulations under Article V, Section 4.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 959.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

# Whittier Police Department

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### *Nepotism and Conflicting Relationships*

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- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

#### 959.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

# Whittier Police Department

## Whittier PD Policy Manual

### *Nepotism and Conflicting Relationships*

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#### 959.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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## Attachments

## **Victim's Rights Card.JPG**



## **WPD CCW PROCESS.pdf**

# Whittier Police Department

## Concealed Carry Weapon Permit Processing

The process for applying for Concealed Carry Weapon Permit is outlined as follows:

- ❑ **Application-** Applicants will begin by completing the California Department of Justice Bureau of Firearms "Standard Initial and Renewal Application for License to Carry a Concealed Weapon" (Form: BOF 4012 8/2022 Revision). The application can be found at [www.oag.ca.gov/firearms/forms](http://www.oag.ca.gov/firearms/forms)
  - ❑ *NOTE: The applicant will thoroughly Complete Sections 1-8, INCLUDING SECTION 7. The Witness Signature, Badge Number and Date will not be signed until your interview with the CCW Background Investigator.*
  - ❑ Applications and required supporting documentations are only accepted online, at [www.whittierpd.org](http://www.whittierpd.org)
  - ❑ There is a non-refundable initial application processing fee of \$150
  - ❑ There is a non-refundable application renewal fee of \$75
- ❑ **Live Scan-** Your application will be reviewed by an investigator and if the application is accepted for processing, you will be contacted with instructions on how to complete a Live Scan records check. Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format and then transmitting them to the California Department of Justice and the FBI.
  - ❑ Applicant is responsible for paying all associated fees to the Live Scan operator and Department of Justice (Minimum DOJ fees of \$93 for initial and \$52 for renewal)
- ❑ **Background Interview-** If your Live Scan results are suitable for continuing in the process, you will be scheduled to meet with an assigned background investigator and submit required documents for verification. The interview will be in-person.
- ❑ **Psychological Exam-** All applicants who pass the background interview will be referred to the psychological examination portion of the CCW process in accordance with California Penal Code Section 26190(f)(1). There will be a non-refundable fee of \$150.00 paid by the applicant for the examination. The examination will be in-person.
- ❑ **Firearms Qualification and Firearm Inspection-** Applicants who pass the psychological examination must successfully complete a firearms training course per California Penal Code 26165. Applicant is responsible for paying all associated fees to the training provider. An approved provider list is available on our website. When the applicant has completed their firearm training course, a copy of the completed and signed shooting proficiency and inspection form must be uploaded to the applicant's online account.

**Qualified applicants who submit all the required forms and documentation may be issued a CCW license between 60-180 days from the date of application.**

## **WPD 709.4 Military Equipment Inventory List 7-22.pdf**

**1. Robots:** A remotely controlled unmanned machine that operates on the ground and is utilized to enhance the safety of the community and officers.

**a) Description, quantity, capabilities, and purchase cost:**

- i. Packbot 510**, cost: \$0 (donated), quantity not to exceed: 1.

The Packbot 510 is a battery-powered, remote-operated device. They are equipped with four color cameras with zoom and illumination. PackBot 510 is a man-transportable robot that easily climbs stairs and navigates narrow passages, relaying real-time video, audio, and sensor data while the operator stays at a safer, standoff distance. The PackBot 510 manipulator lifts up to 44 lb. (20 kg). PackBot 510 is deployable by one person

- ii. Robotex Avatar II**, cost: approximately \$25,000, quantity not to exceed: 2.

The Avatar II is a battery-powered, remote-operated device. It is equipped with a pan-tilt-zoom camera, two-way audio, and video recording capability. Avatar II is a remote-operated robot that easily climbs stairs and navigates narrow passages, relaying real-time video, audio, and sensor data while the operator stays at a safer, standoff distance.

- iii. Recon Scout Throwbot XT**, cost: approximately \$17,015, quantity not to exceed: 2.

The Throwbot XT is a throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments. This micro-robot is designed to be able to crawl over a variety of terrain, clearing obstacles. The robot can be thrown into hazardous situations in order to allow operators to quickly make informed decisions when seconds count.

- iv. Remington R1 Eyeballs**, cost: approximately \$15,000, quantity not to exceed: 20.

Remington's Eye Ball R1 is a compact wireless 360° mobile display system. It can be used in tactical operations where law enforcement personnel need to see the situation before entering a building, floor, or room. The Eye Ball R1 is tough enough to allow officers to roll, toss, lower or throw it as needed. It transmits streaming video and audio to a Personal Display Unit (PDU) up to two hundred yards away.

This equipment is for (potential) use during high-risk incidents such as, but not limited to: bomb disposal, surveillance, reconnaissance, CBRN detection, HazMat handling operations, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important. The robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if there are other subjects inside that need assistance.

**b) Purpose:**

To be used to gain visual/audio data remotely, deliver phones, open doors, disrupt packages, and clear buildings.

c) **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the robots. Use is established by the Incident Commander.

d) **Expected Lifespan:**

Approximately 10-15 years

e) **Fiscal Impact:**

Annual maintenance and battery replacement cost are approximately \$5,000.

f) **Legal and Procedural Rules**

It is the policy of the WPD to utilize a robot only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law. All other applicable Whittier Police Department (WPD) policies remain in effect.

**2. Unmanned Aircraft System (UAS):** An unmanned aircraft, along with the associated equipment necessary to control it remotely.

a) **Description, purchase cost of current UAS, quantity, and capabilities:**

i. **Loki MK2 Multi-Drone**, cost: approximately \$9,750, quantity not to exceed: 20.

UAS that weighs approx. 2 pounds and is used for close-quarter indoor tactical scouting missions, LOKI Mk2 features a highly sensitive Day-Night + IR sensor camera giving it the ability to fly and see in complete darkness.

ii. **Autel EVOII Dual 640R**, cost: approximately \$9,998, quantity not to exceed: 10.

UAS that weighs approx. 2.62 lbs. pounds, 40 min flight time, and features a FLIR Boson 640 thermal sensor and an 8K/20MP visual sensor. These two sensors are housed in one 3-axis gimbal-stabilized camera unit. Maximum flight time on the EVO II Dual is 40 minutes in forward flight, while you can expect about 35 minutes in hover flight.

iii. **DJI MAVIC 2 ENTERPRISE ADVANCE**, cost: \$5,500 each, quantity not to exceed: 20.

UAS that has a color and inferred camera as well as an audible speaker and light. Capable of video recording and weighs 899 grams, approx. Thirty minutes of flight time.

iv. **DJI MAVIC 2 ENTERPRISE ADVANCE**, cost: \$5,500 each, quantity not to exceed: 20.

UAS weighs approximately 13 pounds and is used for exterior tactical scouting missions, search, and rescue, crime scene documentation, disaster response, etc. The M30T is an all-weather drone with a day-night+ laser range finder and a thermal camera giving it the ability to fly and see in complete darkness.

**b) Purpose:**

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- Major collision investigations.
- Search for missing persons.
- Natural disaster management.
- Crime scene photography.
- SWAT, tactical, or other public safety and life preservation missions.
- In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.

**c) Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions. All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 615 – Unmanned Aerial System Operations,

**d) Expected Lifespan:**

All UAS equipment, approximately 3-5 years.

**e) Fiscal Impact:**

Annual maintenance and battery replacement cost are approximately \$15,000.

**f) Training**

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operations. In addition, each operator must attend department training and ongoing quarterly training.

**g) Legal and Procedural Rules**

Use is established under WPD Policy 615, FAA Regulation 14 CFR Part 107, and the City of Whittier UAS policy. It is the policy of the WPD to utilize UAS only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law.

**3. Armored Personnel Carrier, vehicle with entry apparatus attached:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes

**a) Description, quantity, capabilities, and purchase cost:**

- i. **2015 Armored Group Vehicle The BATT®-X (Ballistic Armored Tactical Transport®)**, cost: approximately \$309,000, quantity not to exceed: 3.

The BATT is an armored vehicle that seats 10-12 personnel with an open floor plan to rescue down personnel. The BATT has increased ground clearance and a robust suspension, allowing for an emergency response to almost any situation. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

- ii. **1976 ARV armored vehicle**, cost: \$1, quantity not to exceed: 1.

The ARV is an armored vehicle that seats 5-8 personnel with an open floor plan to rescue down personnel. The ARV has increased ground clearance and a robust suspension, allowing for an emergency response to almost any situation. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

b) **Purpose:**

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c) **Authorized Use:**

The use of armored vehicles shall be authorized by a watch commander or SWAT commander based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

d) **Expected Lifespan:**

Approximately 15 years

e) **Fiscal Impact:**

Annual maintenance cost of approximately \$10,000.

f) **Training:**

All drivers/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

g) **Legal and Procedural Rules:**

Use is established under WPD Policy 705. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes and pursuant to State and Federal law

**4. Mobile Incident Command Vehicle (MIC):** A vehicle used as a mobile office to provide a centralized shelter, access to Department computer systems, and restroom facilities during extended events.

a) **Description, quantity, capabilities, and purchase cost:**

- i. **2007 Eagle Workhorse (custom built)** vehicle, cost: approximately \$250,000, quantity not to exceed: 1.

The MIC can also be utilized for SWAT/CNT and other critical incidents, large preplanned events, searching for missing persons, natural disasters, and community events.

b) **Purpose:**

To be used based on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.

c) **Authorized Use:**

Only officers trained in the deployment and operations of the MIC, in a manner consistent with Department policy and training, are authorized to operate it. Situations in which the MIC is authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.

d) **Expected Lifespan:**

The MIC, has approximately a 20-year lifespan on the chassis and vehicle structure. Upgrades are needed every three years to maintain IT systems.

e) **Fiscal Impact:**

The annual maintenance cost is approximately \$11,000.

f) **Training:**

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle with an experienced driver throughout the city. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing.

g) **Legal and Procedural Rules**

It is the policy of the Department to use the MIC only for official law enforcement purposes and in accordance with California State law regarding the operation of motor vehicles.

**5. 40mm Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less-lethal tool to launch impact rounds.

a) **Description, quantity, capabilities, and purchase cost**

- i. **DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, LMT**, cost: approximately \$1,000, quantity not to exceed: 120.



The 40mm Single Launcher is a tactical single-shot launcher. It will fire standard 40mm less-lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less-lethal round up to 131 feet and is only authorized to be used by trained personnel.

- ii. **DEFENSE TECHNOLOGY, 40MM TACTICAL MULTI-SHOT LAUNCHER**, cost: approximately \$1,975, quantity not to exceed: 20.

The 40mm Tactical Multi-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy-to-carry launcher. It features a unique direct-drive system to advance the magazine cylinder. It will launch a 40mm less-lethal round up to 131 feet and is only authorized to be used by trained personnel.

- iii. **DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325**, cost: approximately \$18, quantity not to exceed: 5,000.

A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

- iv. **DEFENSE TECHNOLOGY, 40MM DIRECT IMPACT OC, #6320**, cost: approximately \$30, quantity not to exceed: 5,000.

A less lethal 40mm lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 295 FPS. The 39-gram crushable foam projectile delivers 120 ft/lbs. of energy upon impact in addition to the dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.

- v. **DEFENSE TECHNOLOGY, FERRETT 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262**, cost: approximately \$23, quantity not to exceed: 100.

A less lethal 40mm round used to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. The 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas in a tactical deployment situation. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects.

- vi. **DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE, CS, #6182**, cost: approximately \$30, quantity not to exceed: 100.

The SPEDE-HEAT CS Long-Range Munitions delivers one chemical canister of CS agent from a 40mm launcher downrange up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations, with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single

source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

- vii. DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM SHORT-RANGE ROUND, CS,** cost: approximately \$27, quantity not to exceed: 100.

The Spede-Heat Saf-Short Range Munitions is designed to deliver one chemical canister of CS™ payload downrange up to 100 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The SpedeHeat 40mm is designed for outdoor and has a maximum effective range of 100 yards.

- viii. DEFENSE TECHNOLOGY, 40MM MARKING ROUND,#6326,** cost: approximately \$28, quantity not to exceed: 100.

The 40mm Marking Round is widely used as a crowd management tool for the immediate and close deployment marker. It can also be employed as a pain compliance round at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.

- ix. DEFENSE TECHNOLOGY, 40MM SKAT SHELL,#6172,** cost: approximately \$28, quantity not to exceed: 100.

The Skat Shell 40mm CS multiple chemical projectiles round is designed to deliver multiple CS canisters from a 40mm launcher. It is designed for outdoor use and has fire-producing capability and a maximum effective range of 80-100 yards. The Skat Shell 40mm is designed for outdoor use and has the fire-producing capability. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions and provides a wide area of coverage.

**b) Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

**c) Authorized Use:**

Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force.

**d) Training:**

Sworn members utilizing 40mm less-lethal chemical agents or impact rounds are trained in their use by certified less lethal and chemical agent instructors.

**e) Expected Lifespan:**

- Defense Technology #1425- approximately 25 years.
- Defense Technology #1440- approximately 15 years.
- 40mm ammunition- approximately five years.

**e) Fiscal Impact:**

- 40mm Launcher: estimated between \$0 and \$23,650 annually
- 40mm Sponge Round: estimated between \$0 and \$12,000 annually

**f) Legal and Procedural Rules:**

Use is established under WPD Policy 308. It is the policy of the WPD to utilize the 40mm only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**6. Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round.

**a) Description, quantity, capabilities, and purchase cost**

- i. **REMINGTON 870 LESS LETHAL SHOTGUN**, cost: approximately \$946, quantity not to exceed: 150.

The Remington 870 Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of De-escalation. These specific shotguns are equipped with orange stocks and forend.

- ii. **12-GAUGE SUPER-SOCK BEANBAG ROUND**, cost: approximately \$5, quantity not exceeding 5,000.

A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange stock and forend. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

**b) Purpose**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

**c) Authorized Use**

Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**d) Lifespan**

- Remington 870 Less Lethal Shotgun- approximately 25 years.
- Super Sock Round- No listed expiration date.

**e) Fiscal Impact**

Annual maintenance is approximately \$50 for each shotgun.

**f) Training**

All officers are trained in the 12 gauge less-lethal shotgun as a less-lethal option through in-service training. SWAT personnel receives additional training internally when they transfer to the unit. SWAT operators who utilize these munitions have been through and successfully completed a POST-approved gas school and/or trained in-house by POST-certified chemical agent instructors.

**g) Legal and Procedural Rules**

Use is established under WPD 308. It is the policy of the WPD to utilize the less-lethal shotgun only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**7. Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

**a) Description, quantity, capabilities, and purchase cost**

- i. DEFENSE TECHNOLOGY, SPEDE-HEAT™ CONTINUOUS DISCHARGE CHEMICAL GRENADE, CS, #1072, cost: approximately \$47, quantity not to exceed: 100.**

The Spede-Heat™ CS Grenade is a high volume, continuous burn; it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side, and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

- ii. **DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082,** cost: approximately \$27, quantity not to exceed: 100.

The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to direct the route of a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of an active agent.

- iii. **DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032,** cost approximately \$45, quantity not to exceed: 100.

The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization while minimizing or negating the chance of fire to the structure. The Tri-Chamber Flameless Grenade is NOT to be launched utilizing a launching cup.

- iv. **DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, CS, #1016,** cost: approximately \$39, quantity not to exceed: 100.

The Pocket Tactical CS Grenade is small and lightweight. The 0.9 oz. of active agent will burn for approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.

- v. **DEFENSE TECHNOLOGY, OC VAPOR AEROSOL GRENADE, #1056,** cost: approximately \$49, quantity not to exceed: 200.

The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections used to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor use in confined areas and once deployed, inflames the

mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic, with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricaded situations where the use of pyrotechnic, powder, or liquid devices is not practical or desired.

**b) Purpose**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**c) Authorized Use**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

**d) Training**

Sworn members utilizing chemical agent canisters are certified by POST as less lethal and chemical agent instructors.

**e) Lifespan**

Approximately 5 years from the manufacturing date.

**f) Fiscal Impact**

No annual maintenance.

**g) Legal and Procedural Rules**

It is the policy of the WPD to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**8. Specialized Firearms and Ammunition:** Guns that are fired from shoulder level, having a longer, grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

**a) Description, quantity, capabilities, and purchase cost:**

- i. **Colt AR-15/M4**, cost: approximately \$2,400, quantity not to exceed: 250.

The Carbine Rifle is a firearm capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas-operated, magazine-fed, shoulder-fired weapon designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects

- ii. **Remington 700 Police LTR .308/.223 Bolt Action Rifle**, cost: approximately \$1,300, quantity not to exceed: 10.

The Sniper element of SWAT deploys precision rifles, which enable the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks.

- iii. **Colt M16A1 Rifle**, caliber 5.56MM cost: \$0, quantity not to exceed: 1.

- iv. **Heckler & Koch MP-5**, cost: approximately \$1,400, quantity not to exceed: 3.

The Heckler & Koch is a 9 mm MP5 submachine gun that uses a delayed blowback operating system.

- v. **Ruger M77**, .308 Bolt Action Rifle, cost: approximately \$1,350, quantity not to exceed: 1.

- vi. **Desirable SWD Inc. "Street Sweeper" 12 Gauge Semi-Automatic Shotgun**, cost: approximately \$1,400, quantity: 2, quantity not to exceed: 2.

- vii. **Benelli M4 Super 90 shotgun**, cost: approximately \$1,900, quantity not to exceed: 10.

The Benelli M4 is a semi-automatic shotgun.

- viii. **The Hornady 5.56 NATO**, Cost: approximately \$35 a box, quantity not to exceed: 5,000 rounds.

75-grain, BTHP Tap Precision cartridge is the primary duty ammunition deployed during potential lethal encounters.

- ix. **The Hornady .308 WIN.**, Cost: approximately \$50 a box, quantity not to exceed: 5,000 rounds.

168 grain, A-Max Tap Precision cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168-grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target.

Selections of which of the above ammunition to use is dependent on the threat and the environment (to include barriers, weather conditions, uninvolved parties, etc.).

**b) Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

**c) Authorized Use:**

Only members that are POST certified are authorized to use a rifle. All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force, WPD Policy 312 – Firearms Training and Qualifications, and WPD Policy 432 – Patrol Rifles.

**d) Expected Lifespan:**

- Carbine Rifle – No expiration
- The Hornady 5.56 NATO, 75 grain – No expiration
- Sniper Rifles – No expiration
- The Hornady .308 WIN., 168 grain – No expiration

**e) Fiscal Impact:**

- Carbine Rifle – Annual cost of approximately \$20,000
- The Hornady. 5.56 NATO, 75 grain – Annual cost approximately \$0 - \$20,000.
- Sniper Rifle – Annual cost of approximately \$20,000
- The Hornady .308 WIN., 168 grain – Annual cost approximately between \$0 - \$20,000.

**9. Distraction Devices:** A device used to distract dangerous persons.

**a) Description, quantity, capabilities, and purchase cost:**

A Noise Flash Diversionary Device (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDDs are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.

- i. Defense Technology NFDD 12-GRAM LOW ROLL: DISTRACTION DEVICE,** cost: approximately \$4,345.97, quantity: 18, quantity not to exceed: 200.

The Model 8902NR 12-Gram low roll & trade: Non-Reloadable Distraction device® offers a more compact and improved version of the 8933 Low Roll body Distraction Device®. The unit incorporates an M201A1 type fuse with a hex design gun steel body to limit movement and rolling once it is deployed.

**b) Purpose:**



A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological, sensory deprivation to give officers a tactical advantage.

**c) Authorized Use:**

Diversionary Devices shall only be used:

- By officers who have been trained in their proper use.
- In hostage and barricaded subject situations.
- In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- During other high-risk situations where their use would enhance officer safety.
- During training exercises.

**d) Expected Lifespan:**

Until used

**e) Fiscal Impact:**

No annual maintenance

**f) Training**

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors.

**g) Legal and Procedural Rules**

It is the policy of the WPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**10. PepperBall Launcher:** A device that discharges irritant projectiles.

**a) Description, quantity, capabilities, and purchase cost:**

- i. PepperBall TAC-SA CARBINE**, cost: approximately \$700, quantity not to exceed: 150.

The TAC-SA is a compressed-air-powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall TAC- SA is it semi-automatic electronic firing system with a firing rate of 10 to 12 rounds per second that is compact, lightweight modular design with nylon construction with a 30 cubic inch air pressure system, hopper capable of carrying 160 rounds, and feeds 20 projectiles per second with anti-jamming technology and no recoil. This summer magic launcher is designed for crowd management, riot control scenarios, or any situation requiring high-intensity engagement. It quickly disperses a pava compound across expansive. the device is also capable of delivering an OC compound to add significant

distance which will increase officer safety and allow officers to utilize less lethal tactics and employ de-escalation techniques.

- ii. **PepperBall VKS CARBINE**, cost: approximately \$1,300, quantity not to exceed: 150.

The Variable Kinetic System (VKS) is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall VKS Carbine features a Dual-Feed System that offers the ability to quickly switch between Hopper mode and Magazine mode for optimum versatility.

- iii. **PepperBall LIVE PROJECTILE**, cost: approximately \$2 per projectile, quantity not to exceed: 5,000.

The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.

- iv. **PepperBall LIVE-X PROJECTILE**, cost: approximately \$3 per projectile, quantity not to exceed: 10,000.

The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent of 10 PepperBall rounds. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 5% PAVA Powder.

**b) Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**c) Authorized Use:**

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers. All other applicable SCPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force.

**d) Training:**

Sworn members utilizing PepperBall launchers and projectiles are trained in their use by a POST-certified, less lethal, and chemical agent instructor.

**e) Expected Lifespan:**

- PepperBall VKS Carbine- approximately 20 years
- PepperBall Live Projectile- approximately 3 years
- PepperBall Live-X Projectile- approximately 3 years

**e) Fiscal Impact:**

- PepperBall Launcher: estimated between \$0 and \$7,500 annually
- Live Projectile: estimated between \$0 and \$3,412 annually
- Live-X Projectile: estimated between \$0 and \$9,000 annually

**f) Legal and Procedural Rules:**

Use is established under WPD Policy 308. It is the policy of the WPD to utilize PepperBall only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**11. Breaching Apparatus:**

**a) Description, quantity, capabilities, and purchase cost:**

- i. Kinetic Breaching Tool 3-1000**, cost: approximately \$10,725, quantity not to exceed: 5.

A crimped blank explosive charge drives a captive steel impact plate which is directed at door hardware. The impact plate extends forward out of the clamshell shroud and impacts the target with a high level of kinetic energy, and defeats the hardware. The impact plate automatically retracts and is reset in less than one second. Semi-automatic cycling allows repeated strikes on hardened or multiple targets.

**b) Purpose:**

To safely gain entry into a structure.

**c) Authorized Use:**

Kinetic breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises. All other applicable WPD policies remain in effect.

**d) Expected Lifespan:**

- Kinetic Breaching Tool - approximately 25 years.

**e) Training:**

Prior to use, officers must attend breaching device training that is conducted by Post certified instructors.

**f) Fiscal Impact:**

No annual maintenance

**g) Legal and Procedural Rules:**

It is the policy of the WPD to utilize breaching devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**12. Breaching Shotgun:**

**a) Description, quantity, capabilities, and purchase cost:**

- i. **REMINGTON 870 shotgun**, cost: approximately \$946, quantity not to exceed: 10.
- ii. **Defense Technology TKO 12-GAUGE BREACHING ROUND**, cost: approximately \$5, quantity not to exceed: 200.

The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The breaching round is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the TKO is capable of defeating door lock mechanisms, doorknobs, hinges, deadbolts, safety chains, and padlocks on both wooden and hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine powder eliminating fragmentation.

**b) Purpose:**

To safely gain entry into a structure.

**c) Authorized Use:**

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises. All other applicable WPD policies remain in effect.

**d) Expected Lifespan:**

- Remington 870 Less Lethal Shotgun- approximately 25 years.
- Defense Technology TKO 12-GAUGE BREACHING ROUND - No expiration

**e) Training:**

Prior to use, officers must attend breaching device training that is conducted by Post certified instructors.

**f) Fiscal Impact:**

No annual maintenance

**g) Legal and Procedural Rules:**

It is the policy of the WPD to utilize breaching devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**MAINTENANCE OF MILITARY USE SUPPLY LEVELS:**

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 50% of the stock in a calendar year without city council approval to maintain essential availability for the Department's needs. WPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

## **WPD CCW TERMS OF USE .pdf**



## **WHITTIER POLICE DEPARTMENT**

### **License to Carry a Firearm - Terms of Use**

The Chief of Police has placed the following special restrictions limiting the time, place, manner, and circumstances under which any license shall be valid. Any of the following or similar acts shall be considered a violation. The Whittier Police Department will immediately suspend the license for revocation consideration.

1. A license holder shall notify the Whittier Police Department Administration Division of any change of address within ten days of the change. A license will expire 90 days after the licensee moves from Whittier Police Department jurisdiction.
2. If contacted by a law enforcement officer for any reason, and the license holder is armed, the license holder shall immediately inform the officer they are a CCW licensee and when the officer requests the license holder's CCW license, the license holder will provide their CCW license as proof they are legally carrying a concealed weapon.
3. Should the license holder display or utilize the concealed weapon for which the license has been issued, the license holder shall notify the Whittier Police Department Administration Division in writing. Written notification shall be provided to the Whittier Police Department Administration Division via email at [wpdccw@cityofwhittier.org](mailto:wpdccw@cityofwhittier.org) within five days of the original date of the incident and outline the circumstances resulting in the use of the weapon.
4. License holder shall not carry a concealed weapon while taking medication or if in a condition which is likely to impair judgment, behavior, or dexterity, or while consuming alcohol.
5. License holder agrees to notify the Whittier Police Department Administration Division within five days of ANY law enforcement contact or when the licensee becomes the subject of a restraining order. Notifications shall be made by contacting the Police Department Administration Division via email at [wpdccw@cityofwhittier.org](mailto:wpdccw@cityofwhittier.org).

6. Expectations of Conduct: License holders agree to conduct themselves in an ethical manner at all times. They must not engage in criminal, dishonest, disgraceful conduct, or any other conduct deemed by the Chief of Police to violate the Whittier Police Department's reasonable expectation of sound judgment and responsible conduct.
7. Restrictions by Act:
  - a. Any unjustified or unreasonable display of any portion of a firearm or the CCW license
  - b. Any violation of law
  - c. Being armed while in a bar or any other location where the primary purpose of business is dispensing alcoholic beverages for onsite consumption
  - d. Consuming any alcoholic beverage while armed
  - e. Being under the influence of any medication or drug while armed
  - f. Possession of a firearm at any airport or on a plane where prohibited by law
  - g. Possession of a firearm at any school building and/or school grounds where prohibited by law.
  - h. Possession of a firearm at any city, county, state, or federal building where prohibited by law.
  - i. Possession of a firearm at any government facility where prisoners are housed
  - j. Possession of a firearm at any other location where firearms are prohibited by law or location regulations.
  - k. Refusing to display a CCW license or a firearm for inspection upon demand by any peace officer.
  - l. Failure to surrender the firearm to any peace officer upon demand
  - m. Impeding or interfering with any peace officer's duties
  - n. Possessing a firearm or equipment altered from its originally approved and inspected condition, or weapon not listed on the license.



- o. Possessing any illegal equipment or attachments to a firearm
- p. Any other act, omission or commission, deemed by the Chief of Police to violate these regulations.

I have read and understand the Whittier Police Department's License to Carry a Firearm Terms of Use:

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Applicant Printed Name

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Signature

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Date

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CCW License Number

## **WPD 709.4 Military Equipment Inventory List 7-23.pdf**

**1. Robots:** A remotely controlled unmanned machine that operates on the ground and is utilized to enhance the safety of the community and officers.

**a) Description, quantity, capabilities, and purchase cost:**

- i. Packbot 510**, cost: \$0 (donated), quantity not to exceed: 1.

The Packbot 510 is a battery-powered, remote-operated device. They are equipped with four color cameras with zoom and illumination. PackBot 510 is a man-transportable robot that easily climbs stairs and navigates narrow passages, relaying real-time video, audio, and sensor data while the operator stays at a safer, standoff distance. The PackBot 510 manipulator lifts up to 44 lb. (20 kg). PackBot 510 is deployable by one person.

- ii. Robotex Avatar II**, cost: approximately \$25,000, quantity not to exceed: 2.

The Avatar II is a battery-powered, remote-operated device. It is equipped with a pan-tilt-zoom camera, two-way audio, and video recording capability. Avatar II is a remote-operated robot that easily climbs stairs and navigates narrow passages, relaying real-time video, audio, and sensor data while the operator stays at a safer, standoff distance.

- iii. Recon Scout Throwbot XT**, cost: approximately \$17,015, quantity not to exceed: 2.

The Throwbot XT is a throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments. This micro-robot is designed to be able to crawl over a variety of terrain, clearing obstacles. The robot can be thrown into hazardous situations in order to allow operators to make informed decisions when seconds count quickly.

- iv. Remington R1 Eyeballs**, cost: approximately \$15,000, quantity not to exceed: 20.

Remington's Eye Ball R1 is a compact wireless 360° mobile display system. It can be used in tactical operations where law enforcement personnel must see the situation before entering a building, floor, or room. The Eye Ball R1 is tough enough to allow officers to roll, toss, lower or throw it as needed. It transmits streaming video and audio to a Personal Display Unit (PDU) up to two hundred yards away.

- v. Transcend Robotics Vantage robot**, cost: approximately \$33,500, quantity not to exceed: 5.

Transcends Vantage robot is the only automatic stair and obstacle climbing robot compatible with our safe indoor Hot Gas Delivery System.

- vi. Transcend Robotics Mini Vantage**, cost: approximately \$15,000, quantity not to exceed: 5.

Mini Vantage Rapid and affordable reconnaissance. The Mini Vantage Robot delivers the most capabilities for the price, including 8-inch automatic obstacle climbing, 2-hour runtime with swappable batteries, and up to 250ft communications NLOS.

- vii. SIGYN MK1 micro-Robot**, cost: approximately \$ 9,771.00, quantity not to exceed: 5.

SIGYN from **SKY-HERO** is a 4-wheeled microrobot with the ability to operate almost silently, in complete darkness, and in a GPS, Wi-Fi, and cellular-denied environment. Featuring multiple IR LEDs and dual day-night cameras with a 150-degree view, SIGYN provides a clear view in virtually any lighting conditions.

This equipment is for (potential) use during high-risk incidents such as, but not limited to, bomb disposal, surveillance, reconnaissance, CBRN detection, HazMat handling operations, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Knowledge of a subject's location is very important before entering a structure, particularly in a tactically compromised and dangerous situation. The robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if other subjects inside need assistance.

**b) Purpose:**

To gain visual/audio data remotely, deliver phones, open doors, disrupt packages, and clear buildings.

**c) Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the robots. The Incident Commander establishes use.

**d) Expected Lifespan:**

Approximately 10-15 years

**e) Fiscal Impact:**

Annual maintenance and battery replacement cost are approximately \$5,000.

**f) Legal and Procedural Rules**

It is the policy of the WPD to utilize a robot only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law. All other applicable Whittier Police Department (WPD) policies remain in effect.

**2. Unmanned Aircraft System (UAS):** An unmanned aircraft, along with the associated equipment necessary to control it remotely.

**a) Description, the purchase cost of current UAS, quantity, and capabilities:**

**i. Loki MK2 Multi-Drone, cost: approximately \$9,750, quantity not to exceed: 20.**

UAS, which weighs approx. 2 pounds and is used for close-quarter indoor tactical scouting missions, LOKI Mk2, features a highly sensitive Day-Night + IR sensor camera giving it the ability to fly and see in complete darkness. (Added 08/08/22)

**ii. Autel EVOII Dual 640R, cost: approximately \$9,998, quantity not to exceed: 10.**

UAS that weighs approx. 2.62 lbs. pounds, 40 min flight time, and features a FLIR Boson 640 thermal sensor and an 8K/20MP visual sensor. These two sensors are housed in one 3-axis gimbal-stabilized camera unit. Maximum flight time on the EVO II Dual is 40 minutes in forward flight, while you can expect about 35 minutes in hover flight.

**iii. DJI MAVIC 2 ENTERPRISE ADVANCE**, cost: \$5,500 each, quantity not to exceed: 20.

UAS has a color and inferred camera as well as an audible speaker and light. Capable of video recording and weighs 899 grams, approx. Thirty minutes of flight time.

**iv. DJI Matrices M30T**, cost: \$5,500 each, quantity not to exceed: 20.

UAS weighs approximately 13 pounds and is used for exterior tactical scouting missions, search, and rescue, crime scene documentation, disaster response, etc. The M30T is an all-weather drone with a day-night+ laser range finder and a thermal camera allowing it to fly and see in complete darkness.

**v. Brinc Lemur 2 Aircraft (Drone) and accessories (batteries, controller, etc.)** cost: \$22,000 each, quantity not to exceed: 10.

The LEMUR 2 has been proven in real-world callouts. It is a highly reliable, tactical tool that can help to de-escalate dangerous situations and save lives. It is night vision capable with a 31-minute flight time with 2-way communication deployable in 45 seconds.

**vi. Skydio X2 color/Thermal (Drone)**, cost: \$18,700 each, quantity not to exceed: 10.

Skydio X2E Color/Thermal is the ultimate UAS solution for aerial situational awareness and search & rescue missions. X2E is powered by Skydio Autonomy Enterprise, an AI-driven autonomous flight engine that enables unparalleled 360° obstacle avoidance, autonomous tracking, GPS-denied navigation, and complete workflow automation. X2E is designed with a ruggedized, foldable airframe, GPS-based night flight, strobing lights in visible and IR wavelength, and a dual sensor payload with a 12MP color camera and FLIR® 320x256 thermal sensor. Built for enterprises and first responders, Skydio X2E is designed and assembled in the USA and is compliant with the National Defense Authorization Act (NDAA).

**b) Purpose:**

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- Major collision investigations.
- Search for missing persons.
- Natural disaster management.
- Crime scene photography.
- SWAT, tactical, or other public safety and life preservation missions.

- In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.

**c) Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions. All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 615 – Unmanned Aerial System Operations,

**d) Expected Lifespan:**

All UAS equipment, approximately 3-5 years.

**e) Fiscal Impact:**

Annual maintenance and battery replacement cost are approximately \$15,000.

**f) Training**

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operations. In addition, each operator must attend department training and ongoing quarterly training.

**g) Legal and Procedural Rules**

Use is established under WPD Policy 615, FAA Regulation 14 CFR Part 107, and the City of Whittier UAS policy. It is the policy of the WPD to utilize UAS only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law.

**3. Armored Personnel Carrier, a vehicle with entry apparatus attached:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes

**a) Description, quantity, capabilities, and purchase cost:**

- i. **2015 Armored Group Vehicle The BATT®-X (Ballistic Armored Tactical Transport®),** cost: approximately \$309,000, quantity not to exceed: 3.

The BATT is an armored vehicle that seats 10-12 personnel with an open floor plan to rescue down personnel. The BATT has increased ground clearance and a robust suspension, allowing for an emergency response to almost any situation. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

- ii. **1976 ARV armored vehicle,** cost: \$1, quantity not to exceed: 1.

The ARV is an armored vehicle that seats 5-8 personnel with an open floor plan to rescue down personnel. The ARV has increased ground clearance and a robust suspension, allowing for an emergency response to almost any situation. It can stop various projectiles, which

provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

**b) Purpose:**

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

**c) Authorized Use:**

The use of armored vehicles shall be authorized by a watch commander or SWAT commander based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

**d) Expected Lifespan:**

Approximately 15 years

**e) Fiscal Impact:**

Annual maintenance cost of approximately \$10,000.

**f) Training:**

All drivers/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

**g) Legal and Procedural Rules:**

Use is established under WPD Policy 705. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes and pursuant to State and Federal law

**4. Mobile Incident Command Vehicle (MIC):** A vehicle used as a mobile office to provide a centralized shelter, access to Department computer systems, and restroom facilities during extended events.

**a) Description, quantity, capabilities, and purchase cost:**

- i. **2007 Eagle Workhorse (custom built)** vehicle, cost: approximately \$250,000, quantity not to exceed: 1.

The MIC can also be utilized for SWAT/CNT and other critical incidents, large, preplanned events, searching for missing persons, natural disasters, and community events.

**b) Purpose:**

To be used based on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.

**c) Authorized Use:**

Only officers trained in the deployment and operations of the MIC in a manner consistent with Department policy and training are authorized to operate it. Situations in which the MIC is authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.

**d) Expected Lifespan:**

The MIC has approximately a 20-year lifespan on the chassis and vehicle structure. Upgrades are needed every three years to maintain IT systems.

**e) Fiscal Impact:**

The annual maintenance cost is approximately \$11,000.

**f) Training:**

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle with an experienced driver throughout the city. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing.

**g) Legal and Procedural Rules**

It is the policy of the Department to use the MIC only for official law enforcement purposes and in accordance with California State law regarding the operation of motor vehicles.

**5. 40mm Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less-lethal tool to launch impact rounds.

**a) Description, quantity, capabilities, and purchase cost**

- i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, LMT,** cost: approximately \$1,000, quantity not to exceed: 120.

The 40mm Single Launcher is a tactical single-shot launcher. It will fire standard 40mm less-lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less-lethal round up to 131 feet and is only authorized to be used by trained personnel.

- ii. DEFENSE TECHNOLOGY, 40MM TACTICAL MULTI-SHOT LAUNCHER,** cost: approximately \$1,975, quantity not to exceed: 20.

The 40mm Tactical Multi-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy-to-carry launcher. It features a unique direct-drive system to advance the magazine cylinder. It will launch a 40mm less-lethal round up to 131 feet and is only authorized to be used by trained personnel.

- iii. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325,** cost: approximately \$18, quantity not to exceed: 5,000.



A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

- iv. DEFENSE TECHNOLOGY, 40MM DIRECT IMPACT OC, #6320, cost: approximately \$30, quantity not to exceed: 5,000.**

A less lethal 40mm lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 295 FPS. The 39-gram crushable foam projectile delivers 120 ft/lbs. of energy upon impact in addition to the dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.

- v. DEFENSE TECHNOLOGY, FERRETT 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262, cost: approximately \$23, quantity not to exceed: 100.**

A less lethal 40mm round used to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. The 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas in a tactical deployment situation. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects.

- vi. DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE, CS, #6182, cost: approximately \$30, quantity not to exceed: 100.**

The SPEDE-HEAT CS Long-Range Munitions delivers one chemical canister of CS agent from a 40mm launcher downrange up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations, with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

- vii. DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM SHORT-RANGE ROUND, CS, cost: approximately \$27, quantity not to exceed: 100.**

The Spede-Heat Saf-Short Range Munitions is designed to deliver one chemical canister of CS™ payload downrange up to 100 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The SpedeHeat 40mm is designed for outdoor and has a maximum effective range of 100 yards.

- viii. DEFENSE TECHNOLOGY, 40MM MARKING ROUND, #6326, cost: approximately \$28, quantity not to exceed: 100.**

The 40mm Marking Round is widely used as a crowd management tool for the immediate and close deployment marker. It can also be employed as a pain compliance round at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.

- ix. DEFENSE TECHNOLOGY, 40MM SKAT SHELL, #6172, cost: approximately \$28, quantity not to exceed: 100.**

The Skat Shell 40mm CS multiple chemical projectiles round is designed to deliver multiple CS canisters from a 40mm launcher. It is designed for outdoor use and has fire-producing capability and a maximum effective range of 80-100 yards. The Skat Shell 40mm is designed for outdoor use and has fire-producing capability. It is widely used as a crowd-management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions and provides a wide area of coverage.

**b) Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

**c) Authorized Use:**

Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force.

**d) Training:**

Sworn members utilizing 40mm less-lethal chemical agents or impact rounds are trained in their use by certified less-lethal and chemical agent instructors.

**e) Expected Lifespan:**

- Defense Technology #1425- approximately 25 years.
- Defense Technology #1440- approximately 15 years.
- 40mm ammunition- approximately five years.

**e) Fiscal Impact:**

- 40mm Launcher: estimated between \$0 and \$23,650 annually
- 40mm Sponge Round: estimated between \$0 and \$12,000 annually

**f) Legal and Procedural Rules:**

Use is established under WPD Policy 308. It is the policy of the WPD to utilize the 40mm only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**6. Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round.

**a) Description, quantity, capabilities, and purchase cost**

- i. **REMINGTON 870 LESS LETHAL SHOTGUN**, cost: approximately \$946, quantity not to exceed: 150.

The Remington 870 Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of De-escalation. These specific shotguns are equipped with orange stocks and forend.

- ii. **12-GAUGE SUPER-SOCK BEANBAG ROUND**, cost: approximately \$5, quantity not exceeding 5,000.

A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange stock and forend. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

**b) Purpose**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

**c) Authorized Use**

Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**d) Lifespan**

- Remington 870 Less Lethal Shotgun- approximately 25 years.
- Super Sock Round- No listed expiration date.

**e) Fiscal Impact**

Annual maintenance is approximately \$50 for each shotgun.

**f) Training**

All officers are trained in the 12 gauge less-lethal shotgun as a less-lethal option through in-service training. SWAT personnel receives additional training internally when they transfer to the unit. SWAT operators who utilize these munitions have been through and successfully completed a POST-approved gas school and/or trained in-house by POST-certified chemical agent instructors.

**g) Legal and Procedural Rules**

Use is established under WPD 308. It is the policy of the WPD to utilize the less-lethal shotgun only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**7. Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

**a) Description, quantity, capabilities, and purchase cost**

- i. DEFENSE TECHNOLOGY, SPEDE-HEAT™ CONTINUOUS DISCHARGE CHEMICAL GRENADE, CS, #1072, cost: approximately \$47, quantity not to exceed: 100.**

The Spede-Heat™ CS Grenade is a high volume, continuous burn; it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side, and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

- ii. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082, cost: approximately \$27, quantity not to exceed: 100.**

The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to direct the route of a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of an active agent.

- iii. **DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032**, cost approximately \$45, quantity not to exceed: 100.

The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization while minimizing or negating the chance of fire to the structure. The Tri-Chamber Flameless Grenade is NOT to be launched utilizing a launching cup.

- iv. **DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, CS, #1016**, cost: approximately \$39, quantity not to exceed: 100.

The Pocket Tactical CS Grenade is small and lightweight. The 0.9 oz. of active agent will burn for approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.

- v. **DEFENSE TECHNOLOGY, OC VAPOR AEROSOL GRENADE, #1056**, cost: approximately \$49, quantity not to exceed: 200.

The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections used to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor use in confined areas and once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic, with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricaded situations where the use of pyrotechnic, powder, or liquid devices is not practical or desired.

**b) Purpose**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**c) Authorized Use**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

**d) Training**

Sworn members utilizing chemical agent canisters are certified by POST as less lethal and chemical agent instructors.

**e) Lifespan**

Approximately 5 years from the manufacturing date.

**f) Fiscal Impact**

No annual maintenance.

**g) Legal and Procedural Rules**

It is the policy of the WPD to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**8. Specialized Firearms and Ammunition:** Guns that are fired from shoulder level, having a longer, grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

**a) Description, quantity, capabilities, and purchase cost:**

- i. **Colt CR6933-EPR complete rifle w/MLOK system**, cost: approximately \$4,200, quantity not to exceed: 250.

The Carbine Rifle is a firearm equipped with Aimpoint Duty RDS, Suppressor# HUX 2449 Flow 556K w- 1/2x28 FH Kit, Surefire scout light pro's M340C-BK-PRO with MLOK mount, and Surefire ST07 weapon light switch, capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas-operated, magazine-fed, shoulder-fired weapon designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.

- ii. **Colt AR-15/M4**, cost: approximately \$2,400, quantity not to exceed: 250.

The Carbine Rifle is a firearm capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas-operated, magazine-fed, shoulder-fired weapon designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.

- iii. **Remington 700 Police LTR** .308/.223 Bolt Action Rifle, cost: approximately \$1,300, quantity not to exceed: 10.

The Sniper element of SWAT deploys precision rifles, which enable the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks.

- iv. **Colt M16A1 Rifle**, caliber 5.56MM cost: \$0, quantity not to exceed: 1.

- v. **Heckler & Koch MP-5**, cost: approximately \$1,400, quantity not to exceed: 3.

The Heckler & Koch is a 9 mm MP5 submachine gun that uses a delayed blowback operating system.

- vi. **Ruger M77**, .308 Bolt Action Rifle, cost: approximately \$1,350, quantity not to exceed: 1.

- vii. **Desirable SWD Inc. "Street Sweeper" 12 Gauge Semi-Automatic Shotgun**, cost: approximately \$1,400, quantity: 2, quantity not to exceed: 2.

- viii. **Benelli M4 Super 90 shotgun**, cost: approximately \$1,900, quantity not to exceed: 10.

The Benelli M4 is a semi-automatic shotgun.

- ix. **The Hornady 5.56 NATO**, Cost: approximately \$35 a box, quantity not to exceed: 5,000 rounds.

75-grain, BTHP Tap Precision cartridge is the primary duty ammunition deployed during potential lethal encounters.

- x. **The Hornady .308 WIN.**, Cost: approximately \$50 a box, quantity not to exceed: 5,000 rounds.

168 grain, A-Max Tap Precision cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168-grain projectile maintains accuracy, while

resulting in higher impact velocities, less drop, less wind drift, and more energy on target.

Selection of which of the above ammunition to use is dependent on the threat and the environment (including barriers, weather conditions, uninvolved parties, etc.).

**b) Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

**c) Authorized Use:**

Only members that are POST certified are authorized to use a rifle. All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force, WPD Policy 312 – Firearms Training and Qualifications, and WPD Policy 432 – Patrol Rifles.

**d) Expected Lifespan:**

- Carbine Rifle – No expiration
- The Hornady 5.56 NATO, 75 grain – No expiration
- Sniper Rifles – No expiration
- The Hornady .308 WIN., 168 grain – No expiration

**e) Fiscal Impact:**

- Carbine Rifle – Annual cost of approximately \$20,000
- The Hornady. 5.56 NATO, 75 grain – Annual cost approximately \$0 - \$20,000.
- Sniper Rifle – Annual cost of approximately \$20,000
- The Hornady .308 WIN., 168 grain – Annual cost approximately between \$0 - \$20,000.

**9. Distraction Devices:** A device used to distract dangerous persons.

**a) Description, quantity, capabilities, and purchase cost:**

A Noise Flash Diversionary Device (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDDs are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.

- i. Defense Technology NFDD 12-GRAM LOW ROLL: DISTRACTION DEVICE,** cost: approximately \$4,345.97, quantity: 18, quantity not to exceed: 200.

The Model 8902NR 12-Gram low roll & trade: Non-Reloadable Distraction device® offers a more compact and improved version of the 8933 Low Roll body Distraction Device®. The unit incorporates an M201A1 type fuse with a hex design gun steel body to limit movement and rolling once it is deployed.



**b) Purpose:**

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological, sensory deprivation to give officers a tactical advantage.

**c) Authorized Use:**

Diversionary Devices shall only be used:

- By officers who have been trained in their proper use.
- In hostage and barricaded subject situations.
- In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- During other high-risk situations where their use would enhance officer safety.
- During training exercises.

**d) Expected Lifespan:**

Until used

**e) Fiscal Impact:**

No annual maintenance

**f) Training**

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors.

**g) Legal and Procedural Rules**

It is the policy of the WPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**10. PepperBall Launcher:** A device that discharges irritant projectiles.**a) Description, quantity, capabilities, and purchase cost:**

- i. **PepperBall TAC-SA CARBINE**, cost: approximately \$700, quantity not to exceed: 150.

The TAC-SA is a compressed-air-powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall TAC- SA is a semi-automatic electronic firing system with a firing rate of 10 to 12 rounds per second that is a compact, lightweight modular design with nylon construction with a 30 cubic inch air pressure system, hopper capable of carrying 160 rounds, and feeds 20 projectiles per second with anti-jamming technology and no recoil. This summer magic launcher is designed for crowd management, riot control scenarios, or any situation requiring high-intensity engagement. It quickly disperses a pava compound

across expansive. the device is also capable of delivering an OC compound to add significant distance, which will increase officer safety and allow officers to utilize less lethal tactics and employ de-escalation techniques. (added 08/08/22)

- ii. **PepperBall VKS CARBINE**, cost: approximately \$1,300, quantity not to exceed: 150.

The Variable Kinetic System (VKS) is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall VKS Carbine features a Dual-Feed System that offers the ability to quickly switch between Hopper mode and Magazine mode for optimum versatility.

- iii. **PepperBall LIVE PROJECTILE**, cost: approximately \$2 per projectile, quantity not to exceed: 5,000.

The basic PepperBall projectile contains 2% PAVA pepper powder and is designed for direct impact and area saturation, especially in confined interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ ft. The projectile contains 0.5% PAVA Powder.

- iv. **PepperBall LIVE-X PROJECTILE**, cost: approximately \$3 per projectile, quantity not to exceed: 10,000.

The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent of 10 PepperBall rounds. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ ft. The projectile contains 5% PAVA Powder.

**b) Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**c) Authorized Use:**

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers. All other applicable SCPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force.

**d) Training:**

Sworn members utilizing PepperBall launchers and projectiles are trained in their use by a POST-certified, less lethal, and chemical agent instructor.

**e) Expected Lifespan:**

- PepperBall VKS Carbine- approximately 20 years
- PepperBall Live Projectile- approximately 3 years
- PepperBall Live-X Projectile- approximately 3 years

**e) Fiscal Impact:**

- PepperBall Launcher: estimated between \$0 and \$7,500 annually
- Live Projectile: estimated between \$0 and \$3,412 annually
- Live-X Projectile: estimated between \$0 and \$9,000 annually

**f) Legal and Procedural Rules:**

Use is established under WPD Policy 308. It is the policy of the WPD to utilize PepperBall only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**11. Breaching Apparatus:**

**a) Description, quantity, capabilities, and purchase cost:**

- i. Kinetic Breaching Tool 3-1000**, cost: approximately \$10,725, quantity not to exceed: 5.

A crimped blank explosive charge drives a captive steel impact plate which is directed at door hardware. The impact plate extends forward out of the clamshell shroud and impacts the target with a high level of kinetic energy, and defeats the hardware. The impact plate automatically retracts and is reset in less than one second. Semi-automatic cycling allows repeated strikes on hardened or multiple targets.

**b) Purpose:**

To safely gain entry into a structure.

**c) Authorized Use:**

Kinetic breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises. All other applicable WPD policies remain in effect.

**d) Expected Lifespan:**

- Kinetic Breaching Tool - approximately 25 years.

**e) Training:**

Prior to use, officers must attend breaching device training that is conducted by Post certified instructors.

**f) Fiscal Impact:**

No annual maintenance

**g) Legal and Procedural Rules:**

It is the policy of the WPD to utilize breaching devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**12. Breaching Shotgun:**

**a) Description, quantity, capabilities, and purchase cost:**

- i. **REMINGTON 870 shotgun**, cost: approximately \$946, quantity not to exceed: 10.
- ii. **Defense Technology TKO 12-GAUGE BREACHING ROUND**, cost: approximately \$5, quantity not to exceed: 200.

The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The breaching round is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the TKO is capable of defeating door lock mechanisms, doorknobs, hinges, deadbolts, safety chains, and padlocks on both wooden and hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine powder eliminating fragmentation.

**b) Purpose:**

To safely gain entry into a structure.

**c) Authorized Use:**

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises. All other applicable WPD policies remain in effect.

**d) Expected Lifespan:**

- Remington 870 Less Lethal Shotgun- approximately 25 years.
- Defense Technology TKO 12-GAUGE BREACHING ROUND - No expiration

**e) Training:**

Prior to use, officers must attend breaching device training that is conducted by Post certified instructors.

**f) Fiscal Impact:**

No annual maintenance

**g) Legal and Procedural Rules:**

It is the policy of the WPD to utilize breaching devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**MAINTENANCE OF MILITARY USE SUPPLY LEVELS:**

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 50% of the stock in a calendar year without city council approval to maintain essential availability for the Department's needs. WPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

## **Supplemental Hate Crime Report-Agency.pdf**

# SUPPLEMENTAL HATE CRIME REPORT

Page 1 of 2

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

## VICTIM

### VICTIM TYPE

☐ Individual

Legal name (Last, First): \_\_\_\_\_

Date of Birth

Age

Sex

Race

☐ School, business or organization

Name: \_\_\_\_\_

Type: \_\_\_\_\_  
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: \_\_\_\_\_

Faith: \_\_\_\_\_

☐ Other

Name: \_\_\_\_\_

Type: \_\_\_\_\_

Address: \_\_\_\_\_

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Date and time of report: \_\_\_\_\_

Location of report: \_\_\_\_\_

Agency Case #: \_\_\_\_\_

### NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other \_\_\_\_\_

## BIAS

### TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense  
(e.g., 9/11, holy days)

☐ Association with a person or group with  
one or more of these characteristics  
(actual or perceived)

☐ Other: \_\_\_\_\_

### ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated  
characteristic(s)].

### REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an  
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group  
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

### BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: \_\_\_\_\_

## SUPPLEMENTAL HATE CRIME REPORT

Page 2 of 2

### HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM	
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Other Names used (AKA): _____				Nature of relationship: _____	
Date of Birth	Age	Sex	Race	Length of relationship: _____	
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____	
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	

### WEAPONS/FORCE

Weapon(s) used during incident?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type: _____
Force used during incident?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type: _____

### EVIDENCE

Witnesses present during incident?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Statements taken?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Evidence collected?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Recordings:	<input type="checkbox"/> Video	<input type="checkbox"/> Audio	<input type="checkbox"/> Booked	
Photos taken?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Suspect identified:	<input type="checkbox"/> Field ID	<input type="checkbox"/> By photo/video	<input type="checkbox"/> Known	

### RESOURCES

Resources offered at scene: <input type="checkbox"/> Yes <input type="checkbox"/> No		
<input type="checkbox"/> Marsy's Law Handout	<input type="checkbox"/> Hate Crimes Brochure	<input type="checkbox"/> Other: _____

### MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	



## **Hate Crime Checklist.pdf**

## **WPD 709.4 Military Equipment Inventory List.pdf**

**1. Robots:** A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.

**a) Description, quantity, capabilities, and purchase cost:**

- i. Packbot 510**, cost: \$0 (donated), quantity not to exceed: 1.

The Packbot 510 is a battery powered, remote operated device. Equipped with four color cameras with zoom and illumination. PackBot 510 is a man-transportable robot that easily climbs stairs and navigates narrow passages, relaying real-time video, audio, and sensor data while the operator stays at a safer, standoff distance. The PackBot 510 manipulator lifts up to 44 lb. (20 kg). PackBot 510 is deployable by one person

- ii. Robotex Avatar II**, cost: approximately \$25,000, quantity not to exceed: 2.

The Avatar II is a battery powered, remote operated device. Equipped with a pan-tilt-zoom camera, two-way audio, and has video recording capability. Avatar II is a remote operated robot that easily climbs stairs and navigates narrow passages, relaying real-time video, audio, and sensor data while the operator stays at a safer, standoff distance.

- iii. Recon Scout Throwbot XT**, cost: approximately \$17,015, quantity not to exceed: 2.

The Throwbot XT is a throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments. This micro-robot is designed to be able to crawl over a variety of terrain, clearing obstacles. The robot can be thrown into hazardous situations in order to allow operators to quickly make informed decisions when seconds count.

- iv. Remington R1 Eyeballs**, cost: approximately \$15,000, quantity not to exceed: 20.

Remington's Eye Ball R1 is a compact wireless 360° mobile display system. It can be used in tactical operations where law enforcement personnel need to see the situation before entering a building, floor, or room. The Eye Ball R1 is tough enough to allow officers to roll, toss, lower or throw it as needed. It transmits streaming video and audio to a Personal Display Unit (PDU) up to two hundred yards away.

This equipment is for (potential) use during high-risk incidents such as, but not limited to: bomb disposal, surveillance, and reconnaissance, CBRN detection and HazMat handling operations, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important. The robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if there are other subjects inside that need assistance.

**b) Purpose:**

To be used to remotely gain visual/audio data, deliver phones, open doors, disrupt packages, and clear buildings.

c) **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate the robots. Use is established by the Incident Commander.

d) **Expected Lifespan:**

Approximately 10-15 years

e) **Fiscal Impact:**

Annual maintenance and battery replacement cost are approximately \$5,000.

f) **Legal and Procedural Rules**

It is the policy of the WPD to utilize a robot only for official law enforcement purposes and in a manner that respects the privacy of our community, pursuant to State and Federal law. All other applicable Whittier Police Department (WPD) policies remain in effect.

**2. Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.

a) **Description, purchase cost of current UAS, quantity, and capabilities:**

i. **Loki MK2 Multi-Drone**, cost: approximately \$9,750, quantity not to exceed: 20.

UAS that weighs approx. 2 pounds and is used for close-quarter indoor tactical scouting missions, LOKI Mk2 features a highly sensitive Day-Night + IR sensor camera giving it the ability to fly and see in complete darkness.

ii. **Autel EVOII Dual 640R**, cost: approximately \$9,998, quantity not to exceed: 10.

UAS that weighs approx. 2.62 lbs. pounds, 40 min flight time, and features a FLIR Boson 640 thermal sensor along with an 8K/20MP visual sensor. These two sensors are housed in one 3-axis gimbal-stabilized camera unit. Maximum flight time on the EVO II Dual is 40 minutes in forward flight, while you can expect about 35 minutes in hover flight.

iii. **DJI MAVIC 2 ENTERPRISE ADVANCE**, cost: \$5,500 each, quantity not to exceed: 20.

UAS that has a color and inferred camera as well as audible speaker and light. Capable of video recording and weighs 899 grams, approx. 30 minutes of flight time.

b) **Purpose:**

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- Major collision investigations.

- Search for missing persons.
- Natural disaster management.
- Crime scene photography.
- SWAT, tactical, or other public safety and life preservation missions.
- In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.

**c) Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions. All other applicable WPD policies remain in effect, to include, but not limited to, WPD Policy 615 – Unmanned Aerial System Operations,

**d) Expected Lifespan:**

All UAS equipment, approximately 3-5 years.

**e) Fiscal Impact:**

Annual maintenance and battery replacement cost are approximately \$15,000.

**f) Training**

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend department training and ongoing quarterly training.

**g) Legal and Procedural Rules**

Use is established under WPD Policy 615, FAA Regulation 14 CFR Part 107, and the City of Whittier UAS policy. It is the policy of the WPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

**3. Armored Personnel Carrier, vehicle with entry apparatus attached:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes

**a) Description, quantity, capabilities, and purchase cost:**

- i. 2015 Armored Group Vehicle The BATT®-X (Ballistic Armored Tactical Transport®), cost:** approximately \$309,000, quantity not to exceed: 3.

The BATT is an armored vehicle that seats 10-12 personnel with an open floor plan to rescue down personnel. The BATT has increased ground clearance and a robust suspension, allowing for an emergency response to almost any situation. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

ii. **1976 ARV armored vehicle**, cost: \$1, quantity not to exceed: 1.

The ARV is an armored vehicle that seats 5-8 personnel with an open floor plan to rescue down personnel. The ARV has increased ground clearance and a robust suspension, allowing for an emergency response to almost any situation. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

b) **Purpose:**

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c) **Authorized Use:**

The use of armored vehicles shall be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

d) **Expected Lifespan:**

Approximately 15 years

e) **Fiscal Impact:**

Annual maintenance cost of approximately \$10,000.

f) **Training:**

All drivers/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

g) **Legal and Procedural Rules:**

Use is established under WPD Policy 705. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes and pursuant to State and Federal law

**4. Mobile Incident Command Vehicle (MIC):** A vehicle used as a mobile office to provide a centralized shelter, access to Department computer systems, and restroom facilities during extended events.

a) **Description, quantity, capabilities, and purchase cost:**

i. **2007 Eagle Workhorse (custom built) vehicle**, cost: approximately \$250,000, quantity not to exceed: 1.

The MIC can also be utilized for SWAT/CNT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.

b) **Purpose:**

To be used based on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.

**c) Authorized Use:**

Only officers trained in the deployment and operations of the MIC, in a manner consistent with Department policy and training, are authorized to operate it. Situations in which the MIC is authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.

**d) Expected Lifespan:**

The MIC, approximately 20-year lifespan on chassis and vehicle structure. Upgrades needed every 3 years to maintain IT systems.

**e) Fiscal Impact:**

The annual maintenance cost is approximately \$11,000.

**f) Training:**

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle with an experienced driver throughout the city. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing.

**g) Legal and Procedural Rules**

It is the policy of the Department to use the MIC only for official law enforcement purposes and in accordance with California State law regarding the operation of motor vehicles.

**5. 40mm Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less-lethal tool to launch impact rounds.

**a) Description, quantity, capabilities, and purchase cost**

- i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, LMT,** cost: approximately \$1,000, quantity not to exceed: 120.

The 40mm Single Launcher is a tactical single-shot launcher. It will fire standard 40mm less-lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40mm less-lethal round up to 131 feet and is only authorized to be used by trained personnel.

- ii. DEFENSE TECHNOLOGY, 40MM TACTICAL MULTI-SHOT LAUNCHER,** cost: approximately \$1,975, quantity not to exceed: 20.

The 40mm Tactical Multi-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy-to-carry launcher. It features a unique direct-drive system to advance

the magazine cylinder. It will launch a 40mm less-lethal round up to 131 feet and is only authorized to be used by trained personnel.

- iii. **DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325**, cost: approximately \$18, quantity not to exceed: 5,000.

A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

- iv. **DEFENSE TECHNOLOGY, 40MM DIRECT IMPACT OC, #6320**, cost: approximately \$30, quantity not to exceed: 5,000.

A less lethal 40mm lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 295 FPS. The 39-gram crushable foam projectile delivers 120 ft/lbs. of energy upon impact in addition to the dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.

- v. **DEFENSE TECHNOLOGY, FERRETT 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262**, cost: approximately \$23, quantity not to exceed: 100.

A less lethal 40mm round used to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. The 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas in a tactical deployment situation. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects.

- vi. **DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM LONG-RANGE, CS, #6182**, cost: approximately \$30, quantity not to exceed: 100.

The SPEDE-HEAT CS Long-Range Munitions delivers one chemical canister of CS agent from a 40mm launcher downrange up to 150 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations, with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.

- vii. **DEFENSE TECHNOLOGY, SPEDE-HEAT 40MM SHORT-RANGE ROUND, CS**, cost: approximately \$27, quantity not to exceed: 100.

The Spede-Heat Saf-Short Range Munitions is designed to deliver one chemical canister of CS™ payload downrange up to 100 yards. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn



that expels its payload in approximately 20-40 seconds from a single source. The SpedeHeat 40mm is designed for outdoor and has a maximum effective range of 100 yards.

**viii. DEFENSE TECHNOLOGY, 40MM MARKING ROUND,#6326**, cost: approximately \$28, quantity not to exceed: 100.

The 40mm Marking Round is widely used as a crowd management tool for the immediate and close deployment marker. It can also be employed as pain compliance round at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.

**ix. DEFENSE TECHNOLOGY, 40MM SKAT SHELL,#6172**, cost: approximately \$28, quantity not to exceed: 100.

The Skat Shell 40mm CS multiple chemical projectile round is designed to deliver multiple CS canisters from a 40mm launcher. It is designed for outdoor use and has fire-producing capability and has a maximum effective range of 80-100 yards. The Skat Shell 40mm is designed for outdoor use and has fire-producing capability. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions and provides a wide area of coverage.

**b) Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

**c) Authorized Use:**

Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force.

**d) Training:**

Sworn members utilizing 40mm less-lethal chemical agents or impact rounds are trained in their use by certified less lethal and chemical agent instructors.

**e) Expected Lifespan:**

- Defense Technology #1425- approximately 25 years.
- Defense Technology #1440- approximately 15 years.
- 40mm ammunition- approximately 5 years.

**e) Fiscal Impact:**

- 40mm Launcher: estimated between \$0 and \$23,650 annually
- 40mm Sponge Round: estimated between \$0 and \$12,000 annually

**f) Legal and Procedural Rules:**

Use is established under WPD Policy 308. It is the policy of the WPD to utilize the 40mm only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**6. Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round.

**a) Description, quantity, capabilities, and purchase cost**

- i. REMINGTON 870 LESS LETHAL SHOTGUN**, cost: approximately \$946, quantity not to exceed: 150.

The Remington 870 Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of De-escalation. These specific shotguns are equipped with orange stocks and forend.

- ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND**, cost: approximately \$5, quantity not to exceed: 5,000.

A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange stock and forend. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

**b) Purpose**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

**c) Authorized Use**

Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.

- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**d) Lifespan**

- Remington 870 Less Lethal Shotgun- approximately 25 years.
- Super Sock Round- No listed expiration date.

**e) Fiscal Impact**

Annual maintenance is approximately \$50 for each shotgun.

**f) Training**

All officers are trained in the 12 gauge less-lethal shotgun as a less-lethal option through in-service training. SWAT personnel receives additional training internally when they transfer to the unit. SWAT operators who utilize these munitions have been through and successfully completed a POST-approved gas school and/or trained in-house by POST-certified chemical agent instructors.

**g) Legal and Procedural Rules**

Use is established under WPD 308. It is the policy of the WPD to utilize the less-lethal shotgun only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**7. Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

**a) Description, quantity, capabilities, and purchase cost**

- i. DEFENSE TECHNOLOGY, SPEDE-HEAT™ CONTINUOUS DISCHARGE CHEMICAL GRENADE, CS, #1072, cost: approximately \$47, quantity not to exceed: 100.**

The Spede-Heat™ CS Grenade is a high volume, continuous burn; it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side, and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

- ii. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082, cost: approximately \$27, quantity not to exceed: 100.**

The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be

used to conceal tactical movement or to direct the route of a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.

- iii. **DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032**, cost approximately \$45, quantity not to exceed: 100.

The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization while minimizing or negating the chance of fire to the structure. The Tri-Chamber Flameless Grenade is NOT to be launched utilizing a launching cup.

- iv. **DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, CS, #1016**, cost: approximately \$39, quantity not to exceed: 100.

The Pocket Tactical CS Grenade is small and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.

- v. **DEFENSE TECHNOLOGY, OC VAPOR AEROSOL GRENADE, #1056**, cost: approximately \$49, quantity not to exceed: 200.

The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections used to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor use in confined areas and once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic, with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricaded situations where the use of pyrotechnic, powder, or liquid devices is not practical or desired.

**b) Purpose**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**c) Authorized Use**

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents.

**d) Training**

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

**e) Lifespan**

Approximately 5 years from manufacturing date.

**f) Fiscal Impact**

No annual maintenance.

**g) Legal and Procedural Rules**

It is the policy of the WPD to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**8. Specialized Firearms and Ammunition:** Guns that are fired from shoulder level, having a longer, grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

**a) Description, quantity, capabilities, and purchase cost:**

- i. **Colt AR-15/M4**, cost: approximately \$2,400, quantity not to exceed: 250.

The Carbine Rifle is a firearm capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas-operated, magazine-fed, shoulder-fired weapon designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects

- ii. **Remington 700 Police LTR** .308/.223 Bolt Action Rifle, cost: approximately \$1,300, quantity not to exceed: 10.

The Sniper element of SWAT deploys with precision rifles, which enables the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks.

- iii. **Colt M16A1 Rifle**, caliber 5.56MM cost: \$0, quantity not to exceed: 1.

- iv. **Heckler & Koch MP-5**, cost: approximately \$1,400, quantity not to exceed: 3.

The Heckler & Koch is a 9 mm MP5 submachine gun that uses a delayed blowback operating system.

- v. **Ruger M77**, .308 Bolt Action Rifle, cost: approximately \$1,350, quantity not to exceed: 1.

- vi. **Desirable SWD Inc. "Street Sweeper" 12 Gauge Semi-Automatic Shotgun**, cost: approximately \$1,400, quantity: 2, quantity not to exceed: 2.

- vii. **Benelli M4 Super 90 shotgun**, cost: approximately \$1,900, quantity not to exceed: 10.

The Benelli M4 is a semi-automatic shotgun.

- viii. **The Hornady 5.56 NATO**, Cost: approximately \$35 a box, quantity not to exceed: 5,000 rounds.

75 grain, BTHP Tap Precision cartridge is the primary duty ammunition deployed during potential lethal encounters.

- ix. **The Hornady .308 WIN.**, Cost: approximately \$50 a box, quantity not to exceed: 5,000 rounds.

168 grain, A-Max Tap Precision cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168-grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target.

Selections of which of the above ammunition to use is dependent on the threat and the environment (to include barriers, weather conditions, uninvolved parties, etc.).

**b) Purpose:**

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

**c) Authorized Use:**

Only members that are POST certified are authorized to use a rifle. All other applicable WPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force, WPD Policy 312 – Firearms Training and Qualifications, and WPD Policy 432 – Patrol Rifles.

**d) Expected Lifespan:**

- Carbine Rifle – No expiration
- The Hornady 5.56 NATO, 75 grain – No expiration
- Sniper Rifles – No expiration
- The Hornady .308 WIN., 168 grain – No expiration

**e) Fiscal Impact:**

- Carbine Rifle – Annual cost approximately \$20,000
- The Hornady . 5.56 NATO, 75 grain – Annual cost approximately \$0 - \$20,000.
- Sniper Rifle – Annual cost approximately \$20,000
- The Hornady .308 WIN., 168 grain – Annual cost approximately between \$0 - \$20,000.

**9. Distraction Devices:** A device used to distract dangerous persons.

**a) Description, quantity, capabilities, and purchase cost:**

A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDDs are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.

- i. Defense Technology NFDD 12-GRAM LOW ROLL: DISTRACTION DEVICE,** cost: approximately \$4,345.97, quantity: 18, quantity not to exceed: 200.

The Model 8902NR 12-Gram low roll & trade: Non-Reloadable Distraction device® offers a more compact and improved version of the 8933 Low Roll body Distraction Device®. The unit incorporates an M201A1 type fuse with a hex design gun steel body to limit movement and rolling once it is deployed.

**b) Purpose:**

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological, sensory deprivation to give officers a tactical advantage.

**c) Authorized Use:**

Diversionary Devices shall only be used:

- By officers who have been trained in their proper use.
- In hostage and barricaded subject situations.
- In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- During other high-risk situations where their use would enhance officer safety.
- During training exercises.

d) **Expected Lifespan:**

Until used

e) **Fiscal Impact:**

No annual maintenance

f) **Training**

Prior to use, officers must attend divisionary device training that is conducted by Post certified instructors.

g) **Legal and Procedural Rules**

It is the policy of the WPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**10. PepperBall Launcher:** A device that discharges irritant projectiles.

a) **Description, quantity, capabilities, and purchase cost:**

- i. **PepperBall VKS CARBINE**, cost: approximately \$1,300, quantity not to exceed: 150.

The Variable Kinetic System (VKS) is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall VKS Carbine features a Dual-Feed System that offers the ability to quickly switch between Hopper mode and Magazine mode for optimum versatility.

- ii. **PepperBall LIVE PROJECTILE**, cost: approximately \$2 per projectile, quantity not to exceed: 5,000.

The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.

- iii. **PepperBall LIVE-X PROJECTILE**, cost: approximately \$3 per projectile, quantity not to exceed: 10,000.



The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent of 10 PepperBall rounds. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 5% PAVA Powder.

**b) Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include but are not limited to:

- Self-destructive, dangerous, and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

**c) Authorized Use:**

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers. All other applicable SCPD policies remain in effect, including, but not limited to, WPD Policy 300 – Use of Force.

**d) Training:**

Sworn members utilizing PepperBall launchers and projectiles are trained in their use by a POST-certified, less lethal, and chemical agent instructor.

**e) Expected Lifespan:**

- PepperBall VKS Carbine- approximately 20 years
- PepperBall Live Projectile- approximately 3 years
- PepperBall Live-X Projectile- approximately 3 years

**e) Fiscal Impact:**

- PepperBall Launcher: estimated between \$0 and \$7,500 annually
- Live Projectile: estimated between \$0 and \$3,412 annually
- Live-X Projectile: estimated between \$0 and \$9,000 annually

**f) Legal and Procedural Rules:**

Use is established under WPD Policy 308. It is the policy of the WPD to utilize PepperBall only for official law enforcement purposes and pursuant to State and Federal law, including those regarding the use of force.

**11. Breaching Apparatus:****a) Description, quantity, capabilities, and purchase cost:**

- i. **Kinetic Breaching Tool 3-1000**, cost: approximately \$10,725, quantity not to exceed: 5.

A crimped blank explosive charge drives a captive steel impact plate which is directed at door hardware. The impact plate extends forward out of the clamshell shroud and impacts the target with a high level of kinetic energy, and defeats the hardware. The impact plate automatically retracts and is reset in less than one second. Semi-automatic cycling allows repeated strikes on hardened or multiple targets.

**b) Purpose:**

To safely gain entry into a structure.

**c) Authorized Use:**

Kinetic breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises. All other applicable WPD policies remain in effect.

**d) Expected Lifespan:**

- Kinetic Breaching Tool - approximately 25 years.

**e) Training:**

Prior to use, officers must attend breaching device training that is conducted by Post certified instructors.

**f) Fiscal Impact:**

No annual maintenance

**g) Legal and Procedural Rules:**

It is the policy of the WPD to utilize breaching devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**12. Breaching Shotgun:****a) Description, quantity, capabilities, and purchase cost:**

- i. **REMINGTON 870 shotgun**, cost: approximately \$946, quantity not to exceed: 10.

- ii. **Defense Technology TKO 12-GAUGE BREACHING ROUND**, cost: approximately \$5, quantity not to exceed: 200.

The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The breaching round is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the TKO is capable of defeating door lock mechanisms, doorknobs, hinges, deadbolts, safety

chains, and padlocks on both wooden and hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine powder eliminating fragmentation.

**b) Purpose:**

To safely gain entry into a structure.

**c) Authorized Use:**

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field and during training exercises. All other applicable WPD policies remain in effect.

**d) Expected Lifespan:**

- Remington 870 Less Lethal Shotgun- approximately 25 years.
- Defense Technology TKO 12-GAUGE BREACHING ROUND - No expiration

**e) Training:**

Prior to use, officers must attend breaching device training that is conducted by Post certified instructors.

**f) Fiscal Impact:**

No annual maintenance

**g) Legal and Procedural Rules:**

It is the policy of the WPD to utilize breaching devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**MAINTENANCE OF MILITARY USE SUPPLY LEVELS:**

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 50% of the stock in a calendar year without city council approval to maintain essential availability for the Department's needs. WPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

## **WPD Senior-Disability Victimization Checklist.pdf**



# WHITTIER POLICE DEPARTMENT

Established 1917  
Quality People ~ Quality Service  
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## Senior & Disability Victimization Checklist

A Detailed checklist of first-responding officers' responsibilities, including, but not limited to, all of the following:

- ☐ Taking responsibility for the safety and well-being of the potential victims and witnesses and treating all potential victims, witnesses, and suspects with dignity and respect.
- ☐ Become educated about various elder and dependent adult abuse and penal code sections accounting for physical and financial abuse, as well as neglect. Training to include materials made available by the Commission on Peace Officer Standards and the contents of this policy shall be included in the Department ongoing training schedule for officers and investigators.
- ☐ Complete a crime report listing the appropriate 368 PC section and assign a case number.
- ☐ When interviewing the victim separately, try to ascertain their state of mind and level of competency, and document their responses in the report. Be mindful to document any reliance on others in answering specific questions about the abuse. When appropriate, record (audio/video) all victim and suspect interviews.
- ☐ Evaluate whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code 368.6) (see the Hate Crimes Policy for additional guidance).
- ☐ Determine who is responsible for the victim's care—interviewing caretakers separately by obtaining as much information as possible since caretakers can be suspects in the abuse.

- ☐ Interview and list all possible witnesses, household members, including neighbors. Neighbors and paramedics can often provide critical details in situations where the elder is unable to communicate well.
- ☐ Attempt to obtain a signed medical release form from potential victims.
- ☐ Collect any relevant documents or evidence, such as checks, bank records, and credit card statements. Make copies and attach them to the original crime report.
- ☐ Photos/documentation are essential and must be taken in cases involving neglect and physical abuse. Photos and documentation shall be taken of the victim and the scene. BWC shall not be used in place of these photos.
- ☐ Comply with the provisions of the agency's policy requirements for arrest and mandatory seeking of arrest warrants. This shall include making arrests under the following circumstances either as a first responder or investigator consistent with the requirements and intent of Penal Code 386.6(c)(9)(B) (i-iv):
  1. In the case of a senior and disability victimization committed in an officer's presence, including, but not limited to, a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  2. In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  3. In the case of a misdemeanor not committed in the officer's presence, including, but not limited to, misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
  4. Seeking arrest warrants where probable cause is determined to exist for crimes for which no arrest has been made.
- ☐ Comply with the provisions of the agency's policy requirements for arrest and mandatory seeking of arrest warrants.
- ☐ Request Emergency Protective Orders when appropriate to best protect the victims.
- ☐ Follow the WPD Policy's guidelines for interviewing persons with cognitive or communication disabilities pursuant to SB-338, paragraph (15).
- ☐ Recognizing that some elders and adults, and children with cognitive or communication disabilities may have difficulty narrating events, appear to be poor

historians, or lack short-term memory, which adds to their vulnerability and therefore requires officers to make special efforts to provide them with equal protection.

- ☐ Cross-Report to Los Angeles County Adult Protective Services (APS) by calling **(877) 477-3646** and follow-up by sending a written report of documented suspected abuse within two working days (W&I 15640(c) and 15658.)
- ☐ Recognize victim cooperation is not always necessary for prosecution and in some cases can create an opportunity for suspects to pressure or threaten victims. Each dispatched call or case should be investigated on its own evidentiary merits.
- ☐ When appropriate, obtain an emergency protective order by calling the Los Angeles County District Attorney's Office command post **(213) 974-1234**.
- ☐ Any additional actions necessary to comply with the provisions of this policy.
- ☐ **Physical Abuse/Endangerment Cases:** Document all injuries, obtain statements from each elder or dependent adult, and document the demeanor of the elder or dependent adult. Photograph or video record the suspected crime scene and document any physical evidence and the general appearance of the residence. Seize any objects used to injure the elder or dependent adult and document any medications present at the scene and any pertinent medical history or conditions. Interview the medical personnel available. Reports: 1) Prepare an initial crime report in all cases of suspected physical abuse or endangerment and 2) Cross report to APS.
- ☐ **Financial Abuse:** Determine the identity of the reporting party, any relationship between the reporting party and the elder or dependent adult, and why the reporting party notified law enforcement. Determine the dates of economic loss, how the loss was discovered, and who discovered the loss. Obtain sample signature of the elder or dependent adult. Identify and interview, when feasible, all witnesses who may have relevant information. Interview any caregivers to determine their duties and responsibilities, including any financial agreements or loans provided to a caregiver by the elder/dependent adult. Obtain written consent to request bank records, credit statements, real estate loan documents, and other relevant financial information. When feasible, document and collect all accessible financial documents pertaining to the suspected financial abuse.
- ☐ **Isolation:** Deliberately preventing an elder/dependent adult from receiving their mail or phone calls; falsely telling a caller or visitor that an elder/dependent adult is not present or does not want to talk to them for the purpose of preventing the elder/dependent adult from having contact with family members, friends, or other concerned individuals; false imprisonment of the elder/dependent adult; and physical restraint of an elder/dependent adult for the purpose of preventing them from meeting with visitors. Note: These acts may not constitute isolation if they are performed according to the instructions of a licensed physician or in response to a threat of danger to a person's physical safety or property (WIC 15610.43).

- **Neglect cases:** Neglect occurs when a caretaker or custodian fails to act with a degree of care that a reasonable person would have used when caring for an elder or dependent adult. Officers should do their best to document all physical evidence and consider video recording the living conditions.
  
- **Special Considerations/Circumstances with Domestic Violence involving the Elderly:** On occasion, domestic violence offenders may be elderly or extremely infirmed. In some cases, it may be possible to establish that an elderly offender is not competent, not aware of their actions, and/or was previously diagnosed by a physician or Adult Protective Services (APS) as not being competent to make their own decisions as a result of dementia or a related disorder of cognitive decline. It is important to be aware that some offenders present a significant health risk due to the shock of incarceration and/or removal from their normal residence place due to their advanced age or significant medical condition or diagnosis of Alzheimer's or other related dementia. In addition to investigating/documenting the domestic violence incident as outlined in the Whittier Police Department Domestic Violence policy (WPD Policy 320), some or all of these options may be applicable based on the individual set of circumstances as alternatives to arrest/booking:
  - Obtaining an Emergency Protective Order (EPO) and ensuring family members can keep the victim and offender in separate locations
  - Evaluate for 5150 W&I and, if feasible/and or appropriate, commit the offender to either an LPS designated hospital or medical hospital.
  - Complete an arrest report indicting the offender was released pursuant to Penal Code section 849(b) or taken into custody and released thereafter to a competent third party who will assure the safety of both the victim and the offender
  - Contact the on-duty Los Angeles County Adult Protective Services (877) 477-3646 to cross report and for additional resources to keep the victim safe and separated from the offender if the offender cannot be incarcerated/booked.



## **Information Systems Security Policies.pdf**

# Whittier Police Department Information Systems Security Policies

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# Information Security Incident Response Plan

## Purpose

This security incident response plan and reporting template describes the actions that staff are to follow after an incident that could represent, but is not limited to, unauthorized computer/application/data access and/or use of such systems in violation of City of Whittier or Police Department policies. A security incident may originate from, be directed towards, or transmit Police Department controlled computer or network resources. Examples of reportable security incidents include known or suspected breaches of personal information; notification or alerts received from any IT monitoring tool, including but not limited to alerts from the intrusion detection/prevention appliances, and/or file integrity alarms; suspected virus or worm infections; local account compromise; application or computer performance degradation; reported spam origination from a computer, presence of unexpected programs or files; and/or unexpected application response.

The security incident response report template discussed in this document shall be used for initial reporting of a security incident.

## Definitions

**“Access”** means approved authorization to view, modify or delete System information/data.

**“Authorized Security Personnel”** means an employee, consultant, volunteer or other individual who is approved and allowed access to information within the System to perform an activity on behalf of the System. The individual may have access to any class of information, according to policy.

**“Authorized Users”** are Whittier Police Department personnel (full-time, part-time, volunteer) who have lawful access to view and/or use Department and/or CJI information.

**“Clearing”** means the overwriting process on digital media to make it unreadable using normal access methods.

**“Data”** means the information collected, stored, transferred or reported for any purpose, whether in computers or in manual files. Data can include: financial transactions, lists, identifying information about people, projects or processes, and information in the form of reports. Because data has value, and because it has various sensitivity classifications defined by federal law and state statute, it must be protected.

**“Information Technology Resources”** means the facilities, technologies used for System information processing, transfer, storage, and communications. Included in this definition are server rooms, data centers, data closets, computing and electronic communications devices and services, such as modems, e-mail, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, and instructional materials. This definition is not all-inclusive, but rather, reflects examples of System equipment, supplies and services.

**“Institution”** means the City of Whittier, its departments, bureaus, divisions, or the city as a whole.

**“Law Enforcement Information Security Officer”** means the member of the City’s Information Technology Division assigned to the Police Department and designated by the Chief of Police to fulfill the reporting requirements specific to a security incident involving a Law Enforcement System or CJI.

**“Personal information”** means information that is, or can be, about or related to an identifiable individual. It includes any information that can be linked to an individual or used to directly or indirectly identify an individual. Most information the organization collects about an individual is likely to be considered personal information if it can be attributed to an individual. For our purposes, personal information is defined as an individual’s first name or first initial and last name, in combination with any of the following data:

- 1) Social Security number/Social Insurance Number
- 2) Driver’s license number or Identification Card number
- 3) Financial account number, credit or debit card number\* with personal identification number such as an access code, security codes or password that would permit access to an individual’s financial account. (without name information)
- 4) Home address
- 5) E-mail address in combination with a password or security question and answer that permits access to an online account.
- 6) Medical or health information.
- 7) Individual information or data collected by Automated License Plate Reader (ALPR) technology.

**“Security breach”** means an unauthorized acquisition of data or access to systems that compromises the security, confidentiality, or integrity of personal information maintained by the Whittier Police Department. Good faith acquisition of personal information by an authorized user or agent for business purposes is not a breach, provided that the personal information is not used or subject to further unauthorized disclosure.

**“System”** means a technology operated or owned by the Police Department that contains data (information). It could include databases, network components, CAD/RMS/Mobile software, email and other applications, etc.

#### What is a security incident?

A security incident may involve any or all of the following:

- 1) City of Whittier or Police Department computer security policies violation;
- 2) Unauthorized computer access;
- 3) Known or suspected loss of information confidentiality;
- 4) Significant loss of information availability;
- 5) Compromise of information integrity;
- 6) A denial of service condition against data, network or computer;
- 7) Misuse of service, systems or information; or
- 8) Theft or loss of storage media or mobile device; or
- 9) Physical or logical damage to systems.

Security incident examples include but are not limited to the presence of a malicious application, such as a virus; establishment of an unauthorized account for a computer or application; unusual network connections to a computer; unusually slow computer performance; presence of unexpected/unusual programs; data breach; or computer theft.

#### Security Incident Classification

All computer security incidents will be subject to classification. Security incident classification assists in determining the severity and criticality of the security incident and ensures that the event receives resource level attention relative to the incident priority. The classification also ensures that the security incident is reported to the appropriate manager(s).

The security incident classification table, figure 1, provides several incident characteristics to assist in proper incident classification. Depending on the nature of the security incident, some of the incident criteria represented in the table may not be present in a particular security breach. Moreover, if an incident contains characteristics in several different priority columns, the priority of an incident must reflect the most severe column category. For example, if a security incident affects a service that may involve personal identity information (medium priority) with a likely broad public impact (high priority); the incident should be classified as a high priority breach.

Additional reporting is required for all incidents affecting Law Enforcement Systems, Criminal Justice Information Systems (CJIS), and/or related Data. Whittier's assigned

Law Enforcement Information Security Officer (ISO) must be notified as soon as a security incident impacting any Law Enforcement System has been identified. See Appendices One and Two for details.

#### Security Incident Reporting

If a breach or suspected breach of personal information occurs within the Police Department, the personnel who become aware of the breach must notify the City's Information Technology Division immediately and open a Help Desk work order. IT will use the information in the Help Desk ticket to begin documenting a Security Incident Report.

All suspected or confirmed computer security incidents will be subject to a reporting requirement. IT Staff that identifies a security incident must initially classify the incident priority based on the Security Incident Classification Table (figure 1). The initial priority level may be escalated or de-escalated as more information is known. This initial incident priority helps to determine support staff and management engagement in a reported security incident. All incident reports are to be made, reported to management and a Help Desk ticket created within one business day after the incident was identified and with minimum delay for medium to high priority incidents.

#### Incidents Involving Known or Suspected Breach of Personal Information

Incidents may be subject to additional reporting and notification requirements in accordance with California Civil Code Section 1798.29 (A.B. 1149), the Health Insurance Portability and Accountability Act (HIPAA), the Payment Card Industry Data Security Standard and other regulations. Authorized security personnel are required to notify Police Support Services Manager as soon as possible upon discovery of unauthorized access to personal information on an individual that could result in harm or inconvenience to the individual such as fraud or identity theft. In addition to the internal notification and reporting procedures outlined below, State law requires notification of any security breach involving loss or compromise of personal information as described in Appendix Three.

In addition, credit card companies require us to immediately report a security breach involving suspected or confirmed loss or theft of any material or records that contain cardholder data. Specific notification steps for breach of cardholder data are outlined in Appendix Four.



### Actions, Technical Mitigation, and Preservation of Evidence

Authorized security personnel are responsible for taking appropriate actions to contain, control and correct systems affected by a security incident. The first authorized security person to become aware of a potential incident shall begin corrective actions. In addition, the authorized security personnel will notify Police Support Services Manager as soon as reasonably practical; however corrective actions may begin whether or not management has been contacted. All actions taken must be documented, and data preserved in accordance with the Department's records retention policies, and/or law enforcement policies, if applicable. Documentation should include:

- 1) Log files examined and saved
- 2) Forensic images or saved medias
- 3) Backup of affected systems (at a minimum retain last known good backup prior to the incident plus any incident-affected backups)
- 4) System rebuild and hardening steps taken
- 5) Photos
- 6) Notifications
- 7) Additional backup of the affected systems after recovery and remediation steps have been completed.

### Security Incident Report Instructions

- 1) Make a copy of the report template in Appendix One, Information Security Incident Response Report.
- 2) Rename report to "SIRmmddyyyy"
- 3) Complete form during incident.
- 4) Where applicable, complete additional incident documentation and/or notification steps described in Appendices Two through Four.
- 5) When completed, print and sign off all documentation; forward to Police Support Services Manager for review.
- 6) Support Services Manager will review, sign and forward a copy to the City ISO, and provides a summary of the incident to the Chief of Police within one business day.
- 7) Final IT Action – documentation packet will be scanned and saved to : O:\NETADMINS\Security Incident Response Report\Completed Reports\SIRmmddyyyy
- 8) Additional remediation/mitigation actions required, if any, should be entered in the Help Desk ticket.

Figure 1

Security Incident Classification Table

Incident Factors	Security Incident Report Priority		
	Low	Medium	High
Criticality – Application(s) Affected	Internal Systems and Applications	Internal or External Systems and Applications	Internal or External Systems and Applications
Criticality – Infrastructure	No	Limited Scope	City-wide
Impact to User and/or System(s)	Affects few people or few systems	Affects major systems	City-wide
Impact – Public	None	Potential Impact	Definite Impact
Countermeasures	Solutions are readily available	Weak countermeasures	No countermeasures
Resolution and/or Procedures	Available and well defined	Resolution procedure not well defined, bypass Available (additional reporting and notification required)	No resolution procedures or bypass available  (additional reporting and notification required)
Personally Identifiable Information	None	Possible	Definite
Criminal Justice Information System (CJIS)	None	Possible (additional reporting required)	Definite  (additional reporting required)

## Media – Secure Handling, Transport, and Storage.

### Purpose

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.4 dated 10/06/2015. The City of Whittier may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

### Scope

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the City of Whittier. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized security personnel shall protect and control electronic and physical CJI while at rest and in transit. The City of Whittier will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Law Enforcement Information Security Officer. Procedures shall be defined for securely handling, transporting and storing media.

### Additional Definitions

**“Degaussing”** means exposing the media to a strong magnetic field in order to disrupt the recorded magnetic field and render the data unreadable. A degausser is a device that generates a magnetic field used to sanitize magnetic media. Degaussers are rated based on the type (i.e., low energy or high energy) of magnetic media they can purge. Degaussing can be an effective method for purging damaged or inoperative media, for purging media with exceptionally large storage capacities, or for quickly purging diskettes.

**“Destruction”** means disintegration, incineration, pulverizing, shredding, and melting. Information cannot be restored in any form following destruction.

**“Electronic media”** means (1) Electronic storage media including memory devices in computers (hard drives) and any removable / transportable digital memory medium, such as magnetic tape or disk, optical disk, or digital memory card; or (2) Transmission media used to exchange information already in electronic storage media. Certain transmissions, including of paper via facsimile, and of voice via telephone, are not considered to be transmissions via electronic media because the information being exchanged did not exist in electronic form before the transmission.

**“Overwrite”** means writing patterns of data over existing data stored on a magnetic medium.

**“Physical Media”** means electronic storage media and tangible material used to store data, including but not limited to tapes (reel, cassette), cartridges, disks, drums, CDs, DVDs, paper, microfilm, and microfiche.

**“Purge”** means media sanitization process that protects the confidentiality of information. Degaussing is considered a typical method of purging.

**“Sanitization”** means the process of removing data from storage media, providing reasonable assurance that the data may not be easily retrieved and reconstructed.

**“Transport”** means physical movement of physical media from its current location to any location, including within or between City of Whittier and a City of Whittier vendor.

**“Vendor”** means any person who sells to or contracts with any branch of municipal government or any department, board, bureau, agency, or commission thereof for the provision of any goods or services.

#### Media Storage and Access

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. “Electronic media” includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. “Physical media” includes printed documents and imagery that contain CJI.

To protect CJI, the authorized security personnel shall:

- 1) Securely store Electronic and Physical Media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
- 2) Restrict access to Electronic and Physical Media to Authorized security personnel.
- 3) Ensure that only authorized security personnel remove printed form or digital media from its current location.

- 4) Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Media Sanitization section)
- 5) Not use personally owned information system to access, process, store, or transmit CJI unless the City of Whittier has established and documented the specific terms and conditions for personally owned information system usage. (
- 6) Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- 7) Store all hardcopy CJI printouts maintained by the City of Whittier in a secure area accessible to only those employees whose job function requires them to handle such documents.
- 8) Safeguard all CJI by the City of Whittier against possible misuse by complying with the Police Department's policies, the City's Rules and Regulations, and Standard Operating Procedures.
- 9) Take appropriate action when in possession of CJI while not in a secure area:
  - a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
  - b) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
    - i) When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
    - ii) When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
- 10) Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
- 11) Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

#### Media Transport

Controls shall be in place to protect Electronic and Physical Media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or

inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- 1) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency or authorized security personnel.
- 2) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The City of Whittier personnel shall:

- 1) Protect and control Electronic and Physical Media during transport outside of controlled areas.
- 2) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The City of Whittier personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- 1) Use of privacy statements in electronic and paper documents.
- 2) Limiting the collection, disclosure, sharing and use of CJI.
- 3) Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- 4) Securing hand carried confidential electronic and paper documents by:
  - a) Storing CJI in a locked briefcase or lockbox.
  - b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by Authorized Personnel.
  - c) For hard copy printouts or CJI documents:
    - i) Package hard copy printouts in such a way as to not have any CJI information viewable.
    - ii) That are mailed or shipped, agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
- 5) Not taking CJI home or when traveling.
- 6) When disposing confidential documents, use a shredder.

## Media – Sanitization

### Purpose

This guideline establishes the minimum technical standards for the removal of data from electronic information technology assets owned by the City of Whittier operating in the Police Department. This data may include information protected by federal or state laws; Criminal Justice Information (CJI); information that could lead to identity theft, institutional embarrassment, or loss of personal privacy; and licensed software or restricted intellectual property.

As storage and media devices are decommissioned, re-purposed, or re-allocated, the data must be effectively removed from the storage media or the media must be destroyed. This removal process has been called data removal, data sanitization, data destruction, or other similar terms. In this guideline we will use data sanitization for compatibility with federal guidelines.

### Scope

This Guideline applies to all System information technology resources, such as computer equipment and/or storage media, and other electronic media capable of data retention that may contain institutional data. This guideline establishes minimum requirements for data sanitization.

### Guidelines

All information technology resources must be sanitized before being re-purposed, removed, donated, sold, or disposed of. Sanitization must remove or destroy all data and information technology resources in such a manner that the data cannot be retrieved, even partially, by conventional means or commercially available processes.

Record retention schedules must be complied with prior to any media sanitization.

Removal and destruction of any (or potential) institutional data shall be based on standards and practices as they are documented in the National Institute of Standards and Technology document, NIST 800-88, Guidelines for Media Sanitization.

A record should be maintained detailing the sanitization procedure applied to City-owned information technology resources. The record should include the:

- 1) Unique property identification,
- 2) Time and date,
- 3) Description of the information technology resource,
- 4) Disposition of the information technology resource,
- 5) Procedure employed to remove and/or destroy the information, and
- 6) Individual executing the procedure

The appropriate method of data Sanitization is determined by the type of physical media containing the data. The Authorized Individual in the City may take guidance from the NIST 800-88, Guidelines for Media Sanitization. Minimum sanitization methods and suggested tools for various media types can be found in Appendix A of NIST 800-88. Acceptable methods of data sanitization are as follows:

- 1) Clearing, also known as overwriting, preserves the media for re-use after the data sanitization process.
  - a. The clearing process must replace written data with random values at all addressable locations.
  - b. Media can be effectively cleared by one overwrite using currently available sanitization technologies.
  - c. Deleting files, re-imaging and formatting are not acceptable methods of clearing.
- 2) Purging is a stronger method of sanitization that protects magnetic media against a laboratory attack.
  - a. Executing the firmware secure erase command (for ATA drives only) is an acceptable method for purging.
  - b. Degaussing is a typical method of purging where the degaussed media is not expected to be re-used.
- 3) Destruction protects against laboratory attacks. Acceptable methods of destruction are as follows:
  - a. Disintegration, pulverization, melting, and incineration. These are designed to completely destroy the media and therefore any data it contains. They are typically carried out at an outsourced metal destruction or licensed incineration facility with the specific capabilities to perform these activities effectively, securely, and safely.
  - b. Shredding. Shred size of the refuse should be small enough to ensure reasonable assurance, relative to the data's confidentiality, such that the data cannot be reconstructed.

Contracted secure disposal and electronic media disposal service companies that contract with the City should be certified by the National Association for Information Destruction, Inc. (NAID certified).

Most computers and mobile devices, including but not limited to cell phones, copiers, MP3 players, and digital cameras, contain some form of storage media and should be handled accordingly. The city must consider what institutional data the onboard storage may contain and destroy that data according to these standards. If the existence of internal storage cannot be reasonably ruled out, then the device must be destroyed.

Any questions or issues regarding data sanitization, such as procedures for media types not described within this guideline, must be directed to the Authorized System or Institutional Official.



## Appendix One – Security Incident Report Form (Use for all incidents)

Reporting Information		
<b>Name:</b>	<b>Title:</b>	
<b>Email:</b>	<b>Phone:</b>	
<b>Date of Report:</b>	<b>Help Desk #:</b>	
<b>Security Incident Classification:</b> <i>see figure 1</i>		
Low <input type="checkbox"/>	Medium <input type="checkbox"/>	High <input type="checkbox"/>

Incident Information			
<b>Description of Incident in Detail:</b> <i>include location of affected hardware data and/or systems, what occurred and impact.</i>			
Intrusion <input type="checkbox"/>	DOS <input type="checkbox"/>	Unauthorized Access of Breach of Data <input type="checkbox"/>	Web Defacement <input type="checkbox"/>
Other <input type="checkbox"/>	Malware <input type="checkbox"/>	Policy Violation <input type="checkbox"/>	Theft or Damage <input type="checkbox"/>

**How was incident detected?:** *explain – who, how*

System Logs <input type="checkbox"/>	Performance Issue <input type="checkbox"/>	Third Party <input type="checkbox"/>
User <input type="checkbox"/>	Monitoring Tool <input type="checkbox"/>	Other <input type="checkbox"/>

**Suspected Method of Intrusion:** *explain details*

Worm/Virus (name) <input type="checkbox"/>	Backdoor <input type="checkbox"/>	Trojan Horse <input type="checkbox"/>
Password <input type="checkbox"/>	Unknown <input type="checkbox"/>	Other <input type="checkbox"/>

**Suspected Perpetrator/Source:** *e.g., disgruntled staff/contractor, former staff/contractor, IP address of source, etc. - include possible motivation(s):*

Internal <input type="checkbox"/>	External <input type="checkbox"/>	Other <input type="checkbox"/>
-----------------------------------	-----------------------------------	--------------------------------

**Additional Notification/Reporting Recommended:** *e.g., legal, SB1386, law enforcement, human resources, insurance company/JPA (Via Risk Management)*

**Date / Time Incident Started:** *if known*

**Date / Time Incident Reported:**

**Name and # of Person Reporting Incident to IT:**

**Duration of Incident:** *days and hours*

**Current Status of Incident:** *e.g., ongoing attack, contained*

**Impact of Incident:** *include physical and data loss, system downtime, user impact, etc.*

**Other Information & Notes:**

#### Incident Resolution and Closure

*To be completed after incident resolution*

**Summary of Incident Results and Actions:** *root cause analysis*

**List of Evidence Collected:**

**Contact List of Everyone Involved in Resolving or Investigating Incident:**

**Lessons Learned & Changes for Future Prevention:**

**Cost of Incident in total dollars:** *explain how cost was derived*

**Personal Information and/or Data Affected:** ☐ Yes ☐ No *If Yes, **must** complete below:*

**Name of City ISO notified:**

**Date City ISO was notified:**

**Data Breach Notification Required?** ☐ Yes ☐ No *If Yes, **must** complete Incident notification procedure and documentation in Appendix One*

**Law Enforcement Systems and/or Data Affected:** ☐ Yes ☐ No *If Yes, **must** complete below:*

**Name of Law Enforcement ISO notified:**

**Date Law Enforcement ISO was notified:**

**Date Law Enforcement Reporting Form sent to ISO:**  
*(ISO will submit form(s) to proper authorities)*

**Date Law Enforcement Reporting Form (Appendix Two) sent to Law Enforcement ISO:**  
*(ISO will submit form(s) to proper authorities)*

**Closed by:** *Signature, Name & Title*

**Approved by IT:** *Signature, Name & Title*

**Approved by Police Support Services Manager:** *Signature, Name & Title*

**Closed:** **Date**

## Appendix Two – Law Enforcement Reporting Form

(To be completed by Law Enforcement ISO)

---

**FBI CJIS DIVISION  
INFORMATION SECURITY OFFICER (ISO)  
COMPUTER SECURITY INCIDENT RESPONSE CAPABILITY (CSIRC)  
REPORTING FORM**

---

DATE OF REPORT: (mm/dd/yyyy)  
DATE OF INCIDENT: (mm/dd/yyyy)  
POINT(S) OF CONTACT: PHONE/EXT/E-MAIL:  
LOCATION(S) OF INCIDENT:  
SYSTEM(S) AFFECTED:

METHOD OF DETECTION:  
NATURE OF INCIDENT:

INCIDENT DESCRIPTION:

ACTIONS TAKEN/RESOLUTION:

### **Copies To:**

#### **George White**

(FBI CJIS Division ISO)  
1000 Custer Hollow Road  
Clarksberg, WV 26306-0102  
(304) 625-5849  
[george.white@leo.gov](mailto:george.white@leo.gov)

or

[iso@leo.gov](mailto:iso@leo.gov)

10/06/2015

CJISD-ITS-DOC-08140-5.4

#### **George White**

(FBI CJIS CSIRC POC)  
1000 Custer Hollow Road/Module D-2  
Clarksberg, WV 26306-0102  
(304) 625-5849  
[george.white@leo.gov](mailto:george.white@leo.gov)

or

[iso@leo.gov](mailto:iso@leo.gov)

## **Appendix Three – Notification and Security Requirements for Personal Information**

### Notification Requirements

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. Notification may be delayed if the Department determines that the notification will impede a criminal investigation, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system(s). Authorized security personnel are encouraged to consult with the Police Support Services Manager to determine if notifications should be delayed. If notification is delayed, authorized security personnel will document the reason(s) in the Incident Report.

The following incidents may require notification to individuals under contractual commitments or applicable laws and regulations:

A user (employee, contractor, or third-party provider) has obtained unauthorized access to personal information maintained in either paper or electronic form.

- An intruder has broken into database(s) that contain personal information on an individual.
- Computer equipment such as a workstation, laptop, CD-ROM, or other electronic media containing personal information on an individual has been lost or stolen.
- A department or unit has not properly disposed of records containing personal information on an individual.
- A third party service provider has experienced any of the incidents above, affecting the organization's data containing personal information.

The following incidents may not require individual notification under contractual commitments or applicable laws and regulations providing the City can reasonably conclude after investigation that misuse of the information is unlikely to occur, and appropriate steps are taken to safeguard the interests of affected individuals:

- Authorized security personnel are able to retrieve personal information on an individual that was stolen, and based on their investigation, reasonably concludes that retrieval took place before the information was copied, misused, or transferred to another person who could misuse it.
- Authorized security personnel determine that personal information on an individual was improperly disposed of, but can establish that the information was not retrieved or used before it was improperly destroyed.
- An intruder accessed files that contain only individuals' names and addresses.
- A laptop computer is lost or stolen, but the data is encrypted and may only be accessed with a secure token or similar access device.

### Manner of Notification

If the Police Department is required to notify more than 500 California residents as the result of a single breach of security, the City is also required to submit a single sample copy of the security breach notification, excluding any personally identifiable information, to the Attorney General.

Notice may be provided by one of the following methods (Civil Code 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC 7001.
3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
  - (a) Email notice when the Department has an email address for the subject person.
  - (b) Conspicuous posting of the notice on the Department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California department of Technology.

Notification will be made by the Chief of Police's designee.

When written notice of a security breach is warranted, it shall be written in plain language, with minimal technical "jargon", and include, at minimum, the following information:

- The name and contact information of the Whittier Police Department;
- The date of notification;
- A list of the types of personal information that were or are reasonably believed to have been the subject of a breach;
- If possible to determine at the time of notice, the date of breach, estimated date of breach, or date range within which the breach occurred;
- Whether notification was delayed due to law enforcement investigation;
- A general description of the breach incident;
- The toll free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a social security number, driver's license of California identification card number.



At the Whittier Police Department's discretion, the breach notification may also include any or all of the following:

- Information about actions the Whittier Police Department has taken to protect individuals whose information has been breached;
- Advice on steps the person whose information has been breached may take to protect him or herself.

### Personal Information Data Security Requirements

#### Data Owner Responsibilities

Authorized security personnel must identify and document all systems and processes that store or utilize personal information on individuals. Documentation must contain system name, device name, file name, location, database administrator and system administrator. The business area and the City Information Technology Division must maintain the contact list of database and system administrators. Likewise, all authorized users who access or utilize personal information on individuals shall be identified and documented.

#### Management Responsibilities

Police Department managers are responsible for completing IT Security Training courses as provided.

Education and awareness communication will be directed to all employees informing them of the proper procedures for reporting a suspected breach of personal information.

## **Appendix Four – Payment Card Industry Data Security Standard and Reporting Loss of Cardholder Information**

### Background:

The PCI Data Security Standard, published in January 2005, was the result of a joint initiative by VISA, MasterCard, American Express, Discover, Diners Club, and JCB to create a single security standard for storing and transmitting sensitive customer information.

### Requirements

The PCI Data Security Standard applies to all members, merchants, and service providers that store, process or transmit cardholder data. The standard consists of the following 12 requirements:

- Install and maintain a firewall configuration to protect data;
- Do not use vendor-supplied defaults for system passwords and other security parameters;
- Protect stored data;
- Encrypt transmission of cardholder data and sensitive information across public networks;
- Use and regularly update anti-virus software;
- Develop and maintain secure systems and applications;
- Restrict access to data by business need to know;
- Assign a unique ID to each person with computer access;
- Restrict physical access to cardholder data;
- Track and monitor all access to network resources and cardholder data;
- Regularly test security systems and processes;
- Maintain a policy that addresses information security.

Included in Requirement 12 is the implementation of an Incident Response. For a complete copy of the Payment Card Industry Data Security Standard manual, see

[https://www.pcisecuritystandards.org/security\\_standards/documents.php?association=PCI%20DSS](https://www.pcisecuritystandards.org/security_standards/documents.php?association=PCI%20DSS)

### Compliance

Failure to comply with the PCI standards could result in the City (as “merchant”) being subjected to a fine or the loss of access to the credit card networks.

### On-site reviews

Merchants, including e-commerce merchants, with more than 6 million total transactions annually, or merchants who have already experienced an account compromise are

required to have an onsite review carried out annually. Any other merchant can also be subjected to an onsite review at the discretion of the payment card institution. The review can be carried out either by the merchant's internal audit function or an independent assessor acceptable to the payment card institution. Currently the City's transactions do not fall within this requirement.

#### Self-Assessments

Merchants such as the City, with e-commerce transactions between 20,000 and 6 million total transactions annually, are required to carry out a Self-Assessment annually.

#### MasterCard Specific Steps:

- Within 24 hours of an account compromise event, notify the MasterCard Compromised Account Team via phone at 1-636-722-4100. In Canada, notify the MasterCard® Global Service™ emergency services via telephone at 1-800-622-2774.
- Provide a detailed written statement of fact about the account compromise (including the contributing circumstances) via secured e-mail, to [compromised\\_account\\_team@mastercard.com](mailto:compromised_account_team@mastercard.com).
- Provide the MasterCard Merchant Fraud Control Department with the complete list of all known compromised account numbers.
- Within 72 hours of knowledge of a suspected account compromise, engage the services of a data security firm acceptable to MasterCard to assess the vulnerability of the compromised data and related systems (such as a detailed forensics evaluation).
- Provide weekly written status reports to MasterCard, addressing open questions and issues, until the audit is complete to the satisfaction of MasterCard.
- Promptly furnish updated lists of potential or known compromised account numbers, additional documentation, and other information that MasterCard may request.
- Provide finding of all audits and investigations to the MasterCard Merchant Fraud Control department within the required time frame and continue to address any outstanding exposure or recommendation until resolved to the satisfaction of MasterCard.

Once MasterCard obtains the details of the account data compromise and the list of compromised account numbers, MasterCard will:

- Identify the issuers of the accounts that were suspected to have been compromised and group all known accounts under the respective parent member IDs
- Distribute the account number data to its respective issuers.

### Visa U.S.A. Specific Steps

(Excerpted from Visa U.S.A. Cardholder Information Security Program (CISP), What to Do If Compromised, 5/2011)

Refer to documentation online at:

[http://usa.visa.com/download/merchants/cisp\\_what\\_to\\_do\\_if\\_compromised.pdf](http://usa.visa.com/download/merchants/cisp_what_to_do_if_compromised.pdf)

Entities that have experienced a suspected or confirmed security breach must take prompt action to help prevent additional exposure of cardholder data and ensure compliance with the Payment Card Industry Data Security Standard (PCI DSS), PCI Payment Application Data Security Standard (PA-DSS), and PCI PIN Security Requirements.

- 1) Immediately contain and limit the exposure. Minimize data loss. Prevent the further loss of data by conducting a thorough investigation of the suspected or confirmed compromise of information. Compromised entities should consult with their internal incident response team. To preserve evidence and facilitate the investigation:
  - a) Do not access or alter compromised system(s) (i.e., don't log on at all to the compromised system(s) and change passwords; do not log in as ROOT). Visa highly recommends compromised system not be used to avoid losing critical volatile data.
  - b) Do not turn the compromised system(s) off. Instead, isolate compromised systems(s) from the network (i.e., unplug network cable).
  - c) Preserve evidence and logs (i.e., original evidence, security events, web, database, firewall, etc.)
  - d) Document all actions taken.
  - e) If using a wireless network, change the Service Set Identifier (SSID) on the wireless access point (WAP) and other systems that may be using this connection (with the exception of any systems believed to be compromised).
  - f) Be on high alert and monitor traffic on all systems with cardholder data.
- 2) Alert all necessary parties immediately:
  - a) The IT Division incident response team and information security officer.
  - b) Contact the merchant bank(s).
  - c) If you do not know the name and/or contact information for the merchant bank, consult Finance (currently Jennifer Wakeman). If unable to determine, notify Visa Incident Response Manager immediately:
    - i) U.S. – (650) 432-2978 or [usfraudcontrol@visa.com](mailto:usfraudcontrol@visa.com)
    - ii) Canada – (416) 860-3090 or [CanadaInvestigations@visa.com](mailto:CanadaInvestigations@visa.com)
    - iii) Latin America & Caribbean – (305) 328-1713 or [lacrmac@visa.com](mailto:lacrmac@visa.com)
    - iv) Asia Pacific and Central and Eastern Europe, Middle East and Africa
    - v) (CEMEA) – [VIFraudControl@visa.com](mailto:VIFraudControl@visa.com)
- 3) Notify the appropriate law enforcement agency (generally IT should contact Whittier Police and they will contact any other law enforcement agency if deemed necessary).

- 4) Visa has developed a communication guideline in responding to a data breach for compromised entities. There are some good basic communications principles that can be applied to most data breach situations. This guideline is intended to provide some best-practice guidance for compromised entities on how to think about, prepare for and respond to data breaches. You can download a copy of the guideline [here](http://usa.visa.com/download/merchants/cisp_responding_to_a_data_breach.pdf)

#### Visa Card Incident Response Team:

To minimize the impact of a cardholder information security breach, Visa has created an Incident Response Team to assist in forensic investigations. In the event of a compromise, Visa will work with the compromised entity and assist in coordinating a team of forensic specialists to go onsite immediately to help identify security deficiencies and control exposure. The forensic information collected by this team is often used as evidence to prosecute criminals.

1. The compromised entity should consult with its legal department to determine if notification laws are applicable.
2. Provide all compromised Visa, Interlink, and Plus accounts to the Visa acquiring bank or to Visa within ten (10) business days. Acquiring entities must provide all compromised Visa Account numbers regardless if the transaction went through another regional or national network. All accounts must indicate if the transaction was Visa, Interlink, Plus or other network ID must be provided. All potentially compromised accounts must be provided and transmitted as instructed by the Visa acquiring bank and Visa. Visa will distribute the compromised Visa account numbers to issuers and ensure the confidentiality of entity and non-public information. **N o t e:** If you are an issuer, provide foreign accounts or accounts from other financial institutions to Visa.
3. Within three (3) business days of the reported compromise, provide a written documentation to the Visa client or to Visa. See Appendix A. If you are a financial institution, provide the Incident Report to Visa.

**Note:** If Visa deems necessary, an independent forensic investigation by a Payment Card Industry Forensic Investigator (PFI) will be initiated.

#### Discover Card Specific Steps:

1. Within 24 hours of an account compromise event, notify Discover Fraud Prevention at (800) 347-3102.
2. Prepare a detailed written statement of fact about the account compromise including the contributing circumstances.
3. Prepare a list of all known compromised account numbers.
4. Obtain additional specific requirements from Discover Card.

American Express Specific Steps:

1. Within 24 hours of an account compromise event, notify American Express Merchant Services at (800) 528-5200 in the U.S. and (800) 876-9786 (Option 2) in Canada.
2. Prepare a detailed written statement of fact about the account compromise including the contributing circumstances.
3. Prepare a list of all known compromised account numbers.
4. Obtain additional specific requirements from American Express.

## Appendix Five – Related Legislation

Following are selected laws and regulations relating to the breach of personal information about an individual. This Appendix should not be considered a complete list.

### California Civil Code 1798.29 (Senate Bill 1149)

California Civil Code 1798.29 requires agencies that own or license computerized data containing unencrypted personal information, to notify California residents of any security breach of their unencrypted personal information where the information was, or is reasonably believed to have been, acquired by an unauthorized person. The Legislative Counsel's digest is available at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1149](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1149)

### Health Insurance Portability and Accountability Act of 1996 (HIPAA)

HIPAA addresses issues relating to electronic transmission of health-related data in Title II, Subtitle F of the Act entitled "Administrative Simplification". The administrative simplification provisions include four key areas:

- National standards for electronic transmission
- Unique health identifiers for providers, employers, health plans and individuals
- Security Standards
- Privacy Standards The HIPAA Security Standards require a covered entity to implement policies and procedures to ensure:
  - the confidentiality, integrity, and availability of all electronic protected health information
  - protect against any reasonably anticipated threats or hazards to the security of such information
  - protect against any reasonably anticipated uses or disclosures that are not permitted

Within this context, HIPAA requires a covered entity to implement policies and procedures to address security incidents. A security incident means the attempted or successful unauthorized access, use disclosure, modification, or destruction of information or interference with system operations in an information system. Response and reporting implementation requirements include identifying and responding to suspected or known security incidents; mitigate, to the extent practicable, harmful effects of security incidents that are known to the covered entity; and document security incidents and their outcomes.

## **Statutes and Legal Requirements.pdf**



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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

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## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

## **Hate Crime Checklist.pdf**

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>  Legal name (Last, First): _____  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>  Name: _____  Type: _____  <i>(e.g., non-profit, private, public school)</i>  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>  Name: _____  Faith: _____  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b><u>(Check all characteristics that apply):</u></b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):  _____  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		<input type="checkbox"/> Known to victim	

<b>OBSERVATIONS</b>	<u><b>VICTIM</b></u>	<u><b>SUSPECT</b></u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u><b>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</b></u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u><b>Resources offered at scene:</b></u> <input type="checkbox"/> Yes <input type="checkbox"/> No   Type: _____		

<b>MEDICAL</b>	<u><b>Victim</b></u>	<u><b>Suspect</b></u>	<u><b>Paramedics at scene?</b></u> <input type="checkbox"/> Yes <input type="checkbox"/> No   Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____ Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>  Legal name (Last, First): _____  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>  Name: _____  Type: _____  (e.g., non-profit, private, public school)  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>  Name: _____  Faith: _____  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense (e.g., 9/11, holy days)</p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):  _____  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____		<input type="checkbox"/> Known to victim	
Taken by: _____ Serial #: _____				

<b>OBSERVATIONS</b>	<u><b>VICTIM</b></u>	<u><b>SUSPECT</b></u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<b><u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u></b>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b><u>Resources offered at scene:</u></b> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

<b>MEDICAL</b>	<u><b>Victim</b></u>	<u><b>Suspect</b></u>	<b><u>Paramedics at scene?</u></b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## **Elder abuse addendum WPD .pdf**



# **SENIOR AND DISABILITY VICTIMIZATION RESPONSE PROTOCOLS AND INVESTIGATIVE REQUIREMENTS**

## **ADDENDUM A**

### **DISPATCHER RESPONSE**

Dispatchers are an integral part of the community response to senior and dependent adult abuse because they are the first point of contact to the abuse. Dispatchers should continue their education on signs of abuse and receive ongoing training on Alzheimer's and other related dementias. Similarly, other positions in the organization also interact with the public. Appropriate curriculum shall be a continued component of the Department training schedule for dispatchers, community service officers, front desk personnel, and other professional classifications. Penal Code 386 (c)(7).

### **PATROL RESPONSE**

Responding peace officers play a crucial role in creating successful outcomes for elder and dependent adult victims. The Whittier Police Department shall apply the following guidelines when in furtherance of the investigation:

- Taking responsibility for the safety and well-being of the potential victims and witnesses and treating all potential victims, witnesses, and suspects with dignity and respect.
- Become educated about various elder and dependent adult abuse and penal code sections accounting for physical and financial abuse, as well as neglect. Training to include materials made available by the Commission on Peace Officer Standards and the contents of this policy shall be included in the Department ongoing training schedule for officers and investigators.
- Complete a crime report listing the appropriate 368 PC section and assign a case number.
- When interviewing the victim separately, try to ascertain their state of mind and level of competency, and document their responses in the report. Be mindful to document any reliance on others in answering specific questions about the abuse. When appropriate, record (audio/video) all victim and suspect interviews.
- Evaluate whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code 368.6)(see the Hate Crimes Policy for additional guidance).
- Determine who is responsible for the victim's care—interviewing caretakers separately by obtaining as much information as possible since caretakers can be suspects in the abuse.

- Interview and list all possible witnesses, household members, including neighbors. Neighbors and paramedics can often provide critical details in situations where the elder is unable to communicate well.
- Attempt to obtain a signed medical release form from potential victims.
- Collect any relevant documents or evidence, such as checks, bank records, and credit card statements. Make copies and attach them to the original crime report.
- Photos/documentation are essential and must be taken in cases involving neglect and physical abuse. Photos and documentation shall be taken of the victim and the scene. BWC shall not be used in place of these photos.
- Comply with the provisions of the agency's policy requirements for arrest and mandatory seeking of arrest warrants. This shall include making arrests under the following circumstances either as a first responder or investigator consistent with the requirements and intent of Penal Code 386.6(c)(9)(B)(i-iv):
  1. In the case of a senior and disability victimization committed in an officer's presence, including, but not limited to, a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  2. In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  3. In the case of a misdemeanor not committed in the officer's presence, including, but not limited to, misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
  4. Seeking arrest warrants where probable cause is determine to exist for crimes for which no arrest has been made.
- Request Emergency Protective Orders when appropriate to best protect the victims.
- Follow the WPD Policy's guidelines for interviewing persons with cognitive or communication disabilities pursuant to SB-338, paragraph (15).
- Recognizing that some elders and adults, and children with cognitive or communication disabilities may have difficulty narrating events, appear to be poor historians, or lack short-term memory, which adds to their vulnerability and therefore requires officers to make special efforts to provide them with equal protection.
- Cross-Report to Los Angeles County Adult Protective Services (APS) by calling **(877) 477-3646** and follow-up by sending a written report of documented suspected abuse within two working days (W&I 15640(c) and 15658.)

- Recognize victim cooperation is not always necessary for prosecution and in some cases can create an opportunity for suspects to pressure or threaten victims. Each dispatched call or case should be investigated on its own evidentiary merits.
- When appropriate, obtain an emergency protective order by calling the Los Angeles County District Attorney's Office command post **(213) 974-1234**.
- Any additional actions necessary to comply with the provisions of this policy.
- **Physical Abuse/Endangerment Cases:** Document all injuries, obtain statements from each elder or dependent adult, and document the demeanor of the elder or dependent adult. Photograph or video record the suspected crime scene and document any physical evidence and the general appearance of the residence. Seize any objects used to injure the elder or dependent adult and document any medications present at the scene and any pertinent medical history or conditions. Interview the medical personnel available. Reports: 1) Prepare an initial crime report in all cases of suspected physical abuse or endangerment and 2) Cross report to APS.
- **Financial Abuse:** Determine the identity of the reporting party, any relationship between the reporting party and the elder or dependent adult, and why the reporting party notified law enforcement. Determine the dates of economic loss, how the loss was discovered, and who discovered the loss. Obtain sample signature of the elder or dependent adult. Identify and interview, when feasible, all witnesses who may have relevant information. Interview any caregivers to determine their duties and responsibilities, including any financial agreements or loans provided to a caregiver by the elder/dependent adult. Obtain written consent to request bank records, credit statements, real estate loan documents, and other relevant financial information. When feasible, document and collect all accessible financial documents pertaining to the suspected financial abuse.
- **Isolation:** Deliberately preventing an elder/dependent adult from receiving their mail or phone calls; falsely telling a caller or visitor that an elder/dependent adult is not present or does not want to talk to them for the purpose of preventing the elder/dependent adult from having contact with family members, friends, or other concerned individuals; false imprisonment of the elder/dependent adult; and physical restraint of an elder/dependent adult for the purpose of preventing them from meeting with visitors. Note: These acts may not constitute isolation if they are performed according to the instructions of a licensed physician or in response to a threat of danger to a person's physical safety or property (WIC 15610.43).
- **Neglect cases:** Neglect occurs when a caretaker or custodian fails to act with a degree of care that a reasonable person would have used when caring for an elder or dependent adult. Officers should do their best to document all physical evidence and consider video recording the living conditions.

- **Special Considerations/Circumstances with Domestic Violence involving the Elderly:** On occasion, domestic violence offenders may be elderly or extremely infirmed. In some cases, it may be possible to establish that an elderly offender is not competent, not aware of their actions, and/or was previously diagnosed by a physician or Adult Protective Services (APS) as not being competent to make their own decisions as a result of dementia or a related disorder of cognitive decline. It is important to be aware that some offenders present a significant health risk due to the shock of incarceration and/or removal from their normal residence place due to their advanced age or significant medical condition or diagnosis of Alzheimer's or other related dementia. In addition to investigating/documenting the domestic violence incident as outlined in the Whittier Police Department Domestic Violence policy (WPD Policy 320), some or all of these options may be applicable based on the individual set of circumstances as alternatives to arrest/booking:
  - Obtaining an Emergency Protective Order (EPO) and ensuring family members can keep the victim and offender in separate locations
  - Evaluate for 5150 W&I and, if feasible/and or appropriate, commit the offender to either an LPS designated hospital or medical hospital.
  - Complete an arrest report indicting the offender was released pursuant to Penal Code section 849(b) or taken into custody and released thereafter to a competent third party who will assure the safety of both the victim and the offender
  - Contact the on-duty Los Angeles County Adult Protective Services (877) 477-3646 to cross report and for additional resources to keep the victim safe and separated from the offender if the offender cannot be incarcerated/booked.

## **INVESTIGATION RESPONSE**

Follow-up investigations are necessary in many elder abuse cases, as first responders may not be in the best position to gather all existing evidence. The Whittier Police Department follow-up investigators shall apply the following guidelines when in furtherance of the investigation:

- Determining the victim is safe and whether there is a need for emergency housing.
- Cross-reporting to APS.
- Make contact with the assigned APS social worker, Ombudsman, or Department of Justice for the possibility of joint investigation or sharing of information when appropriate and if necessary. Penal Code 386.6(c) (8)(B)(i).
- Obtain any prior APS referrals if they exist.
- Obtain any prior reports by the Whittier Police Department, local long-term care Ombudsman programs, any other responsible agencies, and referrals if they exist.
- Verify that the initial investigation by patrol addressed all elements of the reported crime.
- Obtain and view all available evidence, including medical information, photographs, video recordings, bank, checking, and financial records.
- Determine if more evidence should be collected or obtained.
- As necessary, a follow-up interview with the victim as soon as possible and preferably audio/video recorded and outside the presence of a caregiver or others present in the home.
- Recognize that some victims may require special accommodations (i.e., time of day or location) for this interview.
- Attempt to interview the suspect when legally appropriate, preferably audio/video recorded.
- Make a reasonable effort to determine whether any person committed unlawful interference in a mandated report.
- Attempt to make appropriate law enforcement notifications if suspect remains unidentified.
- Take advantage of other countywide resources if needed.

- Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family.
- Obtain a signed medical release from the victim if not already received by patrol.
- If the victim is conserved, obtaining conservator-signed release, along with paperwork that documents the conservatorship.
- Interview the victim's treating physician or other medical professionals that interviewed the victim.
- Conduct follow-up interviews with neighbors, family members, or others with information or evidence about the incident.
- Conduct a recorded pretext call if necessary, reasonable, and warranted.
- Execute warrants for electronics that may contain relevant evidence.
- Collect dispatch 911 recordings for the current incident and any past incidents.
- Collect physical or documentary evidence related to the crime.
- Obtain handwriting samples from the victim and the suspect. Have the suspect sign their name, as well as the victim's name.
- Document the suspect's access to the victim's financial information.
- Unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation, including an autopsy, is completed.
- Consult with a supervising Elder Abuse Deputy District Attorney to determine whether the case is more than simply "civil" in nature.
- When appropriate, obtain an emergency protective order by calling the Los Angeles County District Attorney's Office command post by calling (213) 974-1234.

## **RESTRAINING ORDERS**

Restraining orders are among the most critical public safety tools we have to protect elder and dependent adults. Criminal Protective Orders in elder or dependent adult cases may be valid for up to 10 years (Penal Code section 368(l).) Officers shall enforce out-of-state protective orders or restraining orders that are presented to them if 1) the order appears valid on its face, 2) the order contains both parties' names, and 3) the order has not yet expired. "Out of state orders" include those issued by U.S. Territories, Native Tribes, and military agencies. (Full Faith and Credit Provision of the Violence Against Woman Act, Family Code sections 6400-6409.)

## **MENTAL HEALTH SERVICES**

Los Angeles County Department of Mental Health provides a range of programs and services designed for older adults (60+) who reside in Los Angeles County. Mental Health services are available through directly operated and contract agencies throughout the County. Services in these agencies typically involve screening and assessment, case management services, individual and family treatment, and crisis intervention services. Older Adults may access Mental Health services through a network of County-operated and contracted agencies. For more information, visit their website at <https://dmh.lacounty.gov/our-services/older-adults/>

Los Angeles County mental health workers are a tremendous resource for law enforcement in response to elders who may have Alzheimer's or other related dementias. Mental health workers are encouraged to collaborate and cooperate with law enforcement and participate in cross-training with community partners to best support law enforcement and elderly perpetrators/victims.

## **CROSS-REPORTING**

Depending on the location of the abuse, the type of abuse, and whether the suspect is a licensed health practitioner, law enforcement, adult protective services, and the local Ombudsman are required to cross-report incidents of abuse and report the results of their investigation of referrals or reports of abuse to the respective referring or reporting agencies (W&I 15640).

## **MANDATED REPORTING**

Welfare and Institutions Code sections 15630-15632 mandate that certain individuals must report any abuse or suspected abuse to elders or dependent adults. Mandated reporters shall make a report whenever the mandated reporter:

- In their professional capacity or within the scope of their employment;
- Has knowledge of or observes abuse or neglect;
- Is told by an elder or dependent of abuse or neglect; or
- Reasonably suspects abuse or neglect. (W&I 15630)

**What happens if a mandated reporter does not report?**

A mandated reporter who fails to report an incident of known or reasonably suspected elder and dependent abuse or neglect is guilty of a misdemeanor and can be fined or sentenced to jail time. (W&I 15630(h).)

**Who is a mandated reporter? (W&I 15630(a).)**

- Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not they receive compensation.
- Administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults
- Elder or dependent adult care custodian
- Health practitioner
- Clergy member
- An employee of the Adult Protective Services agency
- Law enforcement
- All officers and employees of financial institutions

**When and how must a mandated reporter make the report?** Mandated reporters shall report by telephone or the confidential internet reporting tool immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made within two working days.

**Telephone Call:** Immediately or as soon as practically possible, call Adult Protective Services at (877) 477-3646. If the abuse occurred in a long-term care facility, call Long Term Care Ombudsman at (800) 334-9473.

**Can a mandated reporter be civilly liable for reporting abuse?** No. Mandated reporters shall not be civilly or criminally liable for any report made. (W&I 15634)

**Confidentiality of mandated reporter:** The reports made pursuant to W&I sections 15630, 15630.1, and 15631 shall be confidential and may be disclosed only to persons or agencies who legally are entitled to the information, such as Adult Protective Services, a local law enforcement agency, the office of the District Attorney, the office of the City Attorney, the office of the Public Guardian, the Probate Court, members of multidisciplinary teams who use the information for prevention, identification or treatment of abuse or elderly or dependent persons, and all others listed in W&I 15633.5.

**SUSPECTED SEXUAL ABUSE OF AN ELDER OR DEPENDENT ADULT**

When sexual abuse is suspected, efforts should be made by all community partners to treat the elderly victim with dignity and care, with the recognition that many victims delay in their disclosure of sexual abuse for reasons including but not limited to fear, shame, embarrassment, and self-doubt. Ideally, repeated interviews should be kept to a minimum. All criminal justice and community partners involved should do their best to communicate and collaborate with one another to search for the truth. Victims should be notified that they have the right to a support person of their choosing pursuant to Penal Code sections 679.04 and 264.2. Documentation of the physical evidence and crime scene is important, as are any



injuries to the victim. Follow department protocol for contacting and coordinating any follow-up medical exams or with sexual abuse response teams. Recorded interviews should be made for suspects, and documentation made of all statements made by suspects. When taking a suspect into custody, law enforcement should follow any department policies regarding the collection of evidence or performing a standard rape kit on the suspect.

### **ADULT PROTECTIVE SERVICES**

Adult Protective Services serves adults 60 and older and dependent adults 18 and older, who are harmed or threatened with harm, to ensure their rights to safety and dignity. APS investigates elder and dependent adult abuse, including cases of neglect and abandonment, as well as physical, sexual, and financial abuse. APS commits to partner and collaborates with other criminal justice agencies dedicated to the prevention of and response to elder and dependent adult abuse.

### **LONG TERM CARE OMBUDSMAN**

The Los Angeles County Long Term Care Ombudsman (LTCO) program is a part of APS. LTCO advocates for residents in long-term care facilities, such as nursing homes, as well as investigate abuse in other licensed facilities. An Ombudsman listens to concerns, provides information and assistance when requested, and will investigate and resolve complaints related to care or personal rights. The Long Term Care Ombudsman commits to partner and collaborates with criminal justice agencies dedicated to the prevention of and response to elder and dependent adult abuse.

### **SUSPICIOUS DEATH/HOMICIDE**

An unexplained or suspicious elder or dependent adult death should be treated as a homicide until a complete investigation, including autopsy, has been performed. Do not presume that all elder deaths are natural simply because of the age or physical limitations of the deceased.

### **REMOVAL OF FIREARMS FROM THOSE LEGALLY PROHIBITED TO POSSESS THEM**

Law enforcement should be familiar with the laws surrounding firearm relinquishment of those individuals who cannot legally possess them. (Penal Code section 18100 et. seq.) When law enforcement verifies that a restraining order has been issued, the officer shall make reasonable efforts to determine if the restraining order prohibits the possession of firearms and/or requires the relinquishment of firearms. If the order prohibits firearms possession, when feasible and reasonable, the officer will make reasonable efforts to:

- Inquire whether the restrained person possesses firearms (ask the restrained person or the protected person).
- Query through the California Law Enforcement Telecommunication Systems (CLETS) and the Automated Firearms System (AFS) to determine if any firearms are registered to the restrained person.
- Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search. (PC 18250(a).)

### **AVAILABLE RESOURCES FOR SENIOR AND DISABILITY VICTIMIZATION INVESTIGATIONS**

**Los Angeles County Adult Protective Services**

Phone: 877-477-3646

Web: <https://wdacs.lacounty.gov/services/older-dependent-adult-services/adult-protective-services-aps/>

**Los Angeles County District Attorney's Office – Elder Abuse Section**

Phone: (213) 257-2290

Web: <https://da.lacounty.gov/seniors>

**Los Angeles County Long-Term Care Ombudsman**

Phone: (800) 334-9473

Web: <https://www.wiseandhealthyaging.org/ombudsman>

**California Department of Justice, Department of Medi-Cal Fraud and Elder Abuse**

Phone: (800) 722-0432

Web: <https://oag.ca.gov/dmfea>

**California Department of Social Services, Senior/Elder Services**

Phone: (800) 677-1116

Web: <https://www.cdss.ca.gov/>

## **HATE CRIME SUPPLEMENTAL.pdf**

# HATE CRIME SUPPLEMENTAL Page 1

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<b>VICTIM</b>	<b><u>Victim Type:</u></b> <input type="checkbox"/> <b>Individual</b> Legal name (Last, First): _____ Other Names used (AKA): _____ <input type="checkbox"/> <b>School, business or organization</b> Name: _____ Type: _____ (e.g., non-profit, private, public school) Address: _____ <input type="checkbox"/> <b>Faith-based organization</b> Name: _____ Faith: _____ Address: _____		<b><u>Target of Crime (Check all that apply):</u></b> <input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property <input type="checkbox"/> Other _____  <b><u>Nature of Crime (Check all that apply):</u></b> <input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence <input type="checkbox"/> Property damage <input type="checkbox"/> Other crime: _____ Property damage - estimated value _____
	<b><u>Type of Bias (Check all characteristics that apply):</u></b> <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Gender identity/expression <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Race <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Religion <input type="checkbox"/> Significant day of offense (e.g., 9/11, holy days) <input type="checkbox"/> Other: _____   		<b><u>Actual or Perceived Bias – Victim's Statement:</u></b> <input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)]. <input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i>  <b><u>Reason for Bias:</u></b> Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i> Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i> Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i> Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i> Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i>
<b>BIAS</b>	<b><u>Bias Indicators (Check all that apply):</u></b> <input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damageSymbol used <input type="checkbox"/> <input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____ <i>Describe with exact detail in narrative portion of Report.</i>		
	<b><u>Relationship Between Suspect &amp; Victim:</u></b> Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No Nature of relationship: _____ Length of relationship: _____ <i>If Yes, describe in narrative portion of Report</i>		<input type="checkbox"/> Prior reported incidents with suspect? Total # _____ <input type="checkbox"/> Prior unreported incidents with suspect? Total # _____ Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If Yes, describe in narrative portion of Report</i> Type of order: _____ Order/Case# _____
<b>WEAPONS</b>	Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No    Type: _____ Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No		

## HATE CRIME SUPPLEMENTAL Page 2

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<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	
<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>		<b><u>SUSPECT</u></b>	
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____		<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	
	<b><u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u></b> Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No			
	<b><u>Resources offered at scene:</u></b> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____			
<b>MEDICAL</b>	<b><u>Victim</u></b> <b><u>Suspect</u></b> <input type="checkbox"/> <input type="checkbox"/> Declined medical treatment <input type="checkbox"/> <input type="checkbox"/> Will seek own medical treatment <input type="checkbox"/> <input type="checkbox"/> Received medical treatment Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		<b><u>Paramedics at scene?</u></b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____	
	Officer (Name/Rank) _____		Date _____	
Officer (Name/Rank) _____		Date _____		
Supervisor Approving (Name/Rank) _____		Date _____		

# Whittier PD Policy Manual

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