

# Ontario Police Department

Ontario PD CA Policy Manual - May 05, 2014

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## **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law 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, political beliefs, aspirations, 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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## **MISSION STATEMENT**

The mission of the Ontario Police Department is to protect life and property, solve neighborhood problems, and enhance the quality of life in our community. We do this by providing superior police services while fostering successful community partnerships.

### **Pride**

: Realizing law enforcement to be among the most-noble professions in the world and deriving personal and professional satisfaction from the effective performance of our duties.

### **Professionalism**

: It is not the job we do, it is how we do the job. Be engaging, considerate and resourceful in actions, image and conduct.

### **Integrity**

: It takes less effort to do right than it does to explain why we did wrong. The reputation of a hundred years can be undermined by the conduct of one.

### **Teamwork**

: Fulfilling relationships that instill pride, passion and commitment through communication and performance. Learn from the past and embrace the future through empowerment, respect and cooperation while seeking excellence.

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



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## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Ontario 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 ONTARIO POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Ontario 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/office] except in cases of hot or fresh pursuit, while following up on crimes committed with 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 ONTARIO POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Ontario 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/office] 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.

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

Whenever practicable, officers should seek permission from a [department/office] 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

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concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

### **100.3 POLICY**

It is the policy of the Ontario 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 CONSTITUTIONAL REQUIREMENTS**

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

### **100.5 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).

## 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 (Penal Code § 832.4).

## Oath of Office

### 104.1 PURPOSE AND SCOPE

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

### 104.2 POLICY

It is the policy of the Ontario 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.

### 104.3 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.”

# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Ontario 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.

### 106.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Ontario 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Ontario Police Department reserves the right to revise any policy content, in whole or in part.

## 106.2 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.

### 106.2.1 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 Ontario 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 Ontario Police Department reserves the right to revise any policy content, in whole or in part.

### 106.2.2 STAFF

Command Staff shall consist of the following:

Chief of Police

Deputy Chief of Police

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The Captain from each Bureau

Administrative Services Manager

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

### 106.2.3 OTHER PERSONNEL

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

## 106.3 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.

### 106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

Departmental Directives may be abbreviated as "DD"

Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

### 106.3.2 DISTRIBUTION OF MANUAL

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

## 106.4 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.

**Bureau** - a major functional body of the Department.

**Bureau Commander** - An officer, usually a Captain, assigned by the Chief of Police, to command, supervise, and direct the activities and personnel of any bureau of the department. In the absence of the Chief of Police, any Bureau Commander may for reasonable cause, relieve any subordinate officer and assume the responsibility for any situation.

**Chain of Command** - The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution. The official

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ranks within the Ontario Police Department, in descending order are: Chief of Police, Deputy Chief of Police, Captain, Lieutenant, Sergeant, Detective, Corporal, Police Officer. Members of the Department shall adhere to the appropriate chain of command when conducting official Department business. All communication, (written or oral) shall be via the Chain of Command, up or down, unless stated otherwise or superseded by agreement, policy, or law.

**Commanding Officer/Member in Charge** - The officer, or for professional staff, the employee having the highest rank or grade. When two or more officers are on duty together, the officer of the highest rank is in command and shall be held responsible for the operation, unless otherwise designated by the Chief of Police. For a special detail and for a specific period, an officer may be designated by the Commanding Officer to take Command without regard to rank. The beat officer is the ranking officer when other officers are dispatched to his/her beat to assist him/her until relieved by a superior or senior officer.

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

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Ontario Police Department.

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

**Department/OPD** - The Ontario Police Department.

**Division** - Any number of members of the Department, within a bureau, regularly grouped together under one Commanding Officer to accomplish a police purpose.

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

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

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

**Leave of Absence** - The period of time during which an employee is excused from active duty and during which time he/she receives no pay, as defined in City Personnel Rules and Regulations, or with pay when supplemented by personal accrued time.

**Length of Service** - The length of time that an officer has been engaged in the actual performance of police duty. It includes the time served in the armed forces that is required by law after time of employment to be recognized as active duty, also sick leave, and authorized leaves of absence. It does not include any leave of absence without pay.

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

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

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

- Full- and part-time employees



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- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

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

**Off-Duty** - The state of a member during the period he/she is free from the performance of specified duties. Also may known as rest period, day off, or an annual leave. Any police action taken off-duty must conform to all rules and regulations, state and federal laws.

**Officer/Sworn** - Applies to those employees, regardless of rank, who are sworn employees of the Ontario 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.

**Police Department Regulations** - Are applicable to all employees of the Department.

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

**Probationary Period** - Each member shall be required to serve a probationary period prior to permanent appointment to the Department. Refer to City Personnel Rules and Regulations.

**Professional Staff** - Any employee/member of the police department who is not a sworn officer.

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

**Sector/Beat** - A geographical area of variable size within the city of which one or more officers are specifically assigned for police purposes.

**Seniority** - Seniority in the Department is established first by rank, and secondly by aggregate time served in rank. Where conflict occurs because of identical service or dates of appointment/promotion, seniority is determined firstly by the highest band on the eligibility list from which appointment were made, and in case of identical banding, the length of time and grade of the previous rank is the determining factor. If the length of time is the same, the date of hire is the determining factor. Officers of the same grade shall rank according to the date of their appointment to that grade. In situations requiring decision or control, where the officers are of equal rank, the senior officer will make the decision and exercise control unless otherwise directed by higher supervisory employee or Department regulation.

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

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

**Special Duty** - Police service, the nature of which requires the member to be excused from the performance of his/her regular duties. For example, the employee being reassigned from patrol to work street racers or gang suppression.

**Superior Officer/Members** - A person holding higher rank, supervisory, or command position.

**Supervising Officer/Members** - Members of the Department assigned to positions requiring the exercise of immediate supervision over the activities of other members and employees.

**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.

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.

**Unit** - Any number of members of the Department, within a Division, regularly grouped together under one Commanding Officer to accomplish a police purpose.

**Unity of Command** - Each individual, unit, and situation is under the immediate control of one, and only one, person. The principle of command responsibility is in effect, i.e., every administrative and supervising officer is responsible for the acts of his/her subordinates.

**USC** - United States Code.

**Watch/Shift** - That period of a calendar day which a specific member(s) are on duty assigned to normal duty status.

#### 106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Departmental Policy Manual revisions.

All changes to the Departmental Policy Manual will be reflected in next Departmental Policy Revision. Notification of the policy revisions will be sent via electronic mail to all department employees (Sworn and Civilian).

Each unit Commander/Manager will ensure that employees under his/her command are aware of and electronically accept any/all Policy Manual Revisions/Updates.

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

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 BUREAUS

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

- Administrative Services Bureau
- Special Operations Bureau
- Investigations Bureau
- Field Operations Bureau
- Office of the Chief of Police

### 200.2.1 ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau commanded by a Police Administrative Services Manager whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Bureau consists of the Records Division, Communications Division, Fiscal Services Unit, Crime Analysis and Crime Prevention Unit.

### 200.2.2 SPECIAL OPERATIONS BUREAU

The Special Operations Bureau commanded by a Captain whose primary responsibility is to provide general management direction and control for that Bureau. The Special Operations Bureau consists of the Traffic Services Division, Community Oriented Problem Solving Unit (COPS), Multi-Enforcement Team (MET), Gang Unit, Air Support Unit, Canine Unit, Crime Prevention Unit, and the Special Weapons and Tactics Team (SWAT).

### 200.2.3 INVESTIGATIONS BUREAU

The Investigations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigations Bureau. The Investigations Bureau consists of the Investigations Division, Narcotics and Vice Division and the Forensics and Evidence Division.

### 200.2.4 FIELD OPERATIONS BUREAU

The Field Operations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Field Operations Bureau. The Field Operations Bureau consists of the Patrol Division and the Administrative Investigations Team.

## *Organizational Structure and Responsibility*

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### 200.2.5 OFFICE OF THE CHIEF OF POLICE

The Office of the Chief of Police is commanded by the Chief of Police and has primary responsibility to provide general management direction and control for the Office of the Chief of Police. The Office of the Chief of Police consists of the Office of the Deputy Chief of Police, Internal Affairs Division, Personnel and Training Division, Intelligence Unit, and the Press Information Officer Unit (PIO).

The Office of the Deputy Chief of Police has primary responsibility to provide general management direction and control for the Field Operations Bureau, Investigations Bureau, Special Operations Bureau, Administrative Services Bureau and the Personnel and Training Division.

## **200.3 COMMAND PROTOCOL**

### 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 the Deputy Chief of Police, or a Bureau 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) Deputy Chief of Police
- (b) Field Operations Bureau Commander
- (c) Special Operations Bureau Commander
- (d) Investigations Bureau Commander
- (e) 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.

## 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, 08-01 signifies the first Departmental Directive for the year 2008.

### 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 in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

## Emergency Management Plan

### 206.1 PURPOSE AND SCOPE

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

### 206.2 ACTIVATING THE EMERGENCY PLAN

Title IV, Chapter 3 of the Ontario Municipal Code details the procedures for the activation of the Emergency Operations Center and associated emergency protocols.

#### 206.2.1 RECALL OF PERSONNEL

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

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

### 206.3 LOCATION OF THE PLAN

The Emergency Management Plan is available on Web EOC <https://webeoc.ci.ontario.ca.us/eoc7/> and in the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The City Emergency Manager should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

### 206.4 UPDATING OF MANUALS

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

## Training Policy

### 208.1 PURPOSE AND SCOPE

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

### 208.2 PHILOSOPHY

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

### 208.3 OBJECTIVES

The objectives of the Training Program are to:

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

### 208.4 TRAINING PLAN

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

Legislative Changes

State Mandated Training

Critical Issues Training

### 208.5 TRAINING PROCEDURES

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. Approved vacation
  - 3. Sick leave



## Training Policy

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4. Physical limitations preventing the employee's participation.
  5. Emergency situations
- (b) When a member is unable to attend mandatory training, that member 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 supervisor.
  3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

Any member sent to a training class shall submit a copy of the course certificate to the Training Division.

If the training included lodging, the member shall also submit an itemized receipt from the hotel showing that the room account was settled and there are no charges to the City credit card.

All documents are to be submitted to the Training Division upon the employee's return to work. Complying with the above will help the Training Division properly record the members attendance in their training record.

### **208.6 TRAINING & SCHEDULE ADJUSTMENT PROCEDURES**

The following scheduling and payroll procedures are in place to accommodate training courses, seminars and conferences for Department personnel.

The schedule modifications below assume the following:

- The training is local and involves minimal travel time that is sufficiently covered by the modified schedule. For extensive travel time, additional modifications may need to be made to the schedule.
- For 3/12.5 schedules, the modifications assume the training falls in the 75-hour pay period. If the training falls in the 85 hour pay period, the 10-hour make-up shift still needs to be accounted for separately.

#### 1-2 Day Programs

- One and two day programs will be scheduled as day-for-day. Department personnel will be credited with the full hours of their normally assigned workday (10, 11.5 or 12.5 hours) for every day in attendance.

#### 3 Day Programs

- Three day programs will be scheduled as a 4-10 work week for Department personnel.
- Those assigned to a 4-10 shift will attend the program as 3 of their regular workdays and work their 4th shift as part of their normally assigned duties.

## Training Policy

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- Those assigned to a 3-12 shift will attend the program as 30 hours of their regular workweek. For the remaining 7.5 hours, sworn personnel will work one of their normal 12.5 hour shifts, resulting in 5 hours of overtime. If staffing permits, the employee may request to take 7.5 hours of vacation in lieu of working the shift.

### 4-Day Programs

- Four day programs will be scheduled as a 4-10 work week for Department personnel.
- Those assigned to a 4-10 shift will have their days off modified accordingly to fit the training program schedule.
- Those assigned to a 3-12 shift on their 75 hour pay period will have their normally scheduled Saturday and Sunday as days-off during the work week of the training program and will accumulate 2.5 hours overtime for the 40 hour course. Either their Monday or Friday will be scheduled as an additional day off accordingly to fit the training program schedule.

### 5-Day Programs

- Five day programs will be scheduled as a 5-8 work week for all personnel.
- Those assigned to a 4-10 shift will have their normally scheduled Saturday and Sunday as days-off during the work week of the training program.
- Those assigned to a 3-12 shift on their 75 hour pay period will have their normally scheduled Saturday and Sunday as days-off during the work week of the training program and will accumulate 2.5 hours overtime for the 40 hour course.

### Communications Center Considerations

Personnel assigned to the Communications Center work a unique schedule resulting in 11.5 hour shifts and are afforded the same credit for hours worked as all other Department personnel as outlines above. However, due to specific staffing considerations, the following additional protocol will apply:

- Any training class that encompasses a Regular Day Off (RDO) and/or a Regular Shift, regardless of the number of days in the class, will be accounted for as follows:
  - Each training date that lands on an RDO will be accounted for as overtime.
  - Each training date that lands on a regularly scheduled shift will account for a full day of work so long as the class exceeds 6 hours.
  - The remaining regularly scheduled shifts for that week will be worked at the employee's normal rate of pay.
- If, at any point, staffing increases to a level making shift adjustments more fiscally reasonable for the Department, overtime allotted to attend training may be subject to change.

### Additional Information

## *Training Policy*

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- These are guidelines designed to work in most situations. The Department may modify these procedures to meet operational needs. Any exceptions to these procedures must be approved by the Administrative Services Bureau Commander..
- The normal overtime rules will not be modified. Members on the 3/12.5 schedule will continue to receive overtime based on 75 or 85 hours in a week, and for over 12.5 hours in a day. Employees on 4/10 schedules will receive overtime for over 40 hours in a week or 10 hours in a day. Similarly, schedules will not be changed in Kronos.
- On the rare occasion that the schedule modification is made on a holiday, the employee shall receive holiday pay in accordance with the modified schedule. For example, a 3/12.5 employee who is scheduled to attend training on Columbus Day (a Monday) for 10 hours shall be eligible for 10 hours of holiday pay plus 10 hours of holiday worked at premium rates or 10 hours of compensatory time at their discretion. A 4/10 member scheduled to attend a 5-day training course on Columbus Day will be eligible for 8 hours of holiday pay plus 8 hours of holiday worked at premium rates or 8 hours of compensatory time, at the member's choice. This is consistent with current practice.
- Supervisors and members should plan ahead and prepare for training carefully to make sure all scheduling and pay is accounted for. Similarly, the employee is responsible for notifying the Department's Payroll Clerk of any scheduling modifications. The notification should be made via e-mail, with a copy to the supervisor, prior to the training.

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## Electronic 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 Bureau 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 EMAIL RECORD MANAGEMENT

All members shall check their email no less than once per regularly scheduled shift, unless otherwise approved by a supervisor.. The email system is not designed for long term retention of

## *Electronic Mail*

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messages. Any email that the member needs to save, or that is part of an official record, should be printed and/or stored on a secured Department database.

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

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

## **Administrative Communications**

### **214.1 PURPOSE AND SCOPE**

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

### **214.2 MEMORANDUMS**

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

### **214.3 CORRESPONDENCE**

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

### **214.4 SURVEYS**

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

### **214.5 TRAINING BULLETINS**

Training Bulletins are issued to keep employees/members of this Department abreast of new legal updates, procedures, and practices in the criminal justice field. Training Bulletins will be numbered and tracked by the Training Division.

### **214.6 SPECIAL MANUALS/HANDBOOKS**

This manual is developed to describe expectations, procedures, and practices within the Department, specific bureau, division, or unit. Each employee/member in the Department, specific bureau, division, or unit is required to maintain and be familiar with this manual.

## Staffing Levels

### 216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all patrol 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.

#### 216.1.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a corporal may be used as a field supervisor in place of a field Sergeant. With prior authorization from the Field Operations Bureau Commander, a corporal or detective may act as the Watch Commander for a limited period of time.

## License to Carry a Firearm

### 218.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

#### 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 Ontario 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 meet certain requirements, including:

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



## *License to Carry a Firearm*

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### 218.3.1 STATEMENT OF GOOD CAUSE

For the purpose of this document, "good cause" is determined to exist if there is convincing evidence of a clear and imminent danger to life or of great bodily injury to the applicant, his (or her) spouse, or dependent child, which cannot be adequately dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative measures.

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

## *License to Carry a Firearm*

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- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in [department/office] files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for [department/office] use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

### 218.4.2 PHASE TWO

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

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

## *License to Carry a Firearm*

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the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

- (c) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other departmentally authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

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

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

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

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Ontario (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).

## *License to Carry a Firearm*

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- (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).

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

## *License to Carry a Firearm*

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### 218.6.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
1. Consuming any alcoholic beverage while armed.
  2. Falsely representing him/herself as a peace officer.
  3. Unjustified or unreasonable displaying of a firearm.
  4. Committing any crime.
  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) Each applicant will be limited to no more than three (3) firearms listed on the license.

### 218.6.2 AMENDMENTS TO LICENSES

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

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

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

### 218.6.3 REVOCATION OF LICENSES

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

## *License to Carry a Firearm*

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

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).

### 218.6.4 LICENSE RENEWAL

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

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

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

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

## *License to Carry a Firearm*

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### **218.7 DEPARTMENT REPORTING AND RECORDS**

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

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

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

### **218.8 CONFIDENTIAL RECORDS**

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

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

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

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

### 220.2 QUALIFIED RETIREES

Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a "CCW Approved" endorsement 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, however, shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

### 220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, 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 department rules and policies as well as all federal, state and local laws.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

### 220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

- a. The retired officer shall carry his/her Department identification card whenever carrying such weapon..
- b. The retired officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- c. The retired officer will remain subject to this and all other Department policies (including qualifying).



## *Retiree Concealed Firearms*

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Retired 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.

### **220.5 IDENTIFICATION CARD FORMAT**

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 25460):

- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of this department.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year). In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".
- (f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

### **220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT**

The CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. 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.

## *Retiree Concealed Firearms*

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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) The 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".

### 220.6.1 WATCH COMMANDER RESPONSIBILITY

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Watch Commander as soon as practical. The Watch Commander should take the following steps in these instances:

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
  1. The retiree's CCW endorsement is immediately and temporarily revoked.
  2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
  3. 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.
- (c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
- (d) 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 peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
- (e) 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).

*Retiree Concealed Firearms*

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- (f) The Watch Commander should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

## **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.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**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.

### 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.

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 officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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

## *Use of Force*

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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.

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 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 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 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 (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. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (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 effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.

## *Use of Force*

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- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) 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 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
  1. The subject is violent or physically resisting.

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2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
- (c) The application of a carotid control hold on the following 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 risk of applying a carotid control hold:
1. Females who are known to be pregnant
  2. Elderly individuals
  3. Obvious juveniles
  4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.



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Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Officers should 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 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.

### 300.4.2 AIRBORNE USE OF FORCE

Approval for using Airborne Use of Force

When the use of deadly force is justified as stated in section 300.4 of the Ontario Police Department Use of Force policy Manual and when practical, the Aircrew will contact a Field Supervisor or Watch Command prior to implementing an Air Borne Use of Force option. Once approval has been obtained or the decision to fire from the Aircraft has been made, the Aircrew shall attempt to notify ground personnel of their intentions to fire from the Aircraft.

Shooting from the aircraft shall be performed from the rear seat area.

In the event of the use of deadly force, personnel shall follow Department reporting procedures in accordance with section 300.5.

### Authorized Personnel

Only personnel who have successfully completed the Basic Airborne Use of Force qualification course are authorized to utilize the Ontario Police Department Air Support weapons system (Sig Sauer 716).

### Training

To stay in compliance with Department standards one shall qualify and maintain proficiency with each weapon system. The Colt .223 may be substituted for the .308 weapons systems in training.

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Training will be completed every 60 days on the 2nd Monday of the month unless scheduled otherwise for holidays, weather, maintenance, etc. In the event training cannot be completed, alternative training shall be conducted consisting of live fire range training for all Flight Crew members and Airborne Use of Force specific flight maneuvers for Pilots. Flight Crews will be separated into two groups. One group will conduct standard range qualifications while the other group conducts Airborne Use of Force training. Groups will rotate during the day to ensure all Flight Crew members complete both ground and airborne training evolutions.

Each Flight Crew shall perform each of the flight profiles, including but not limited to, pop-up and J-turn pass with a minimum of three passes each.

At least twice a year the training staff should incorporate "vehicle interdiction" into the Airborne Use of Force training. During this training, simunition rounds will be utilized to prevent injury or damage to the vehicles or personnel involved.

When training is complete the Flight Crews, Chief Pilot and Range Safety Officer shall debrief the training.

The shooter is responsible for ensuring weapons are cleaned and secured at the hangar. Completed courses of fire shall be documented for each shooter at the completion of each training session, along with any notes regarding necessary remediation.

### Alternative Training

In the event training cannot be completed due to weather, maintenance, or other unforeseen events, live fire range training shall be completed by all flight crew members; flight maneuvers shall be conducted by Pilots, to remain proficient in Airborne Use of Force tactics.

The live fire range training shall include the standard Ontario Police Department range qualifications as well as training on any additional tactics conducive to firing weapons from an aircraft. These courses of fire shall be determined by the Range Safety Officer(s), Flight Crew(s), and the available training facility.

The flight maneuvers to be completed by Pilots shall include the aforementioned flight profiles and simulate giving the appropriate commands while inbound to the target area.

### Pre Flight Training Safety Procedures

Notifications to the San Bernardino County Sheriff's range staff, San Bernardino County Sheriff's Aviation Unit, Ontario PD Dispatch and Ontario PD Watch Commander shall be made prior to training.

A Range Safety Officer shall be present and have direct communication with the Flight Crew at all times to provide safety information and information on shot placement. The Pilot shall

## *Use of Force*

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communicate with the Range Safety Officer to specify the course of fire and confirm the range is clear.

A minimum of two safety straps with locking carabineers shall be used, securing the shooter to two separate hard points inside the aircraft. The shooter shall be equipped with a rappel harness and/or vest, and flight helmet.

Weapons shall be equipped with slings and brass catchers. Weapons will remain unloaded, on safe, with the bolt locked to the rear.

### In Flight Training Safety Procedures

Weapons will remain unloaded, until the command by the Pilot is given to 'load and make ready'. The Pilot in Command shall confirm with the Range Safety Officer that the range is clear prior to proceeding inbound to the target area. The Pilot in Command shall describe the target to be engaged and the flight profile to be utilized.

The shooter will confirm the target is in sight. When the Pilot gives the command to 'fire when ready' and the target is presented, the shooter will take the weapon off safe and engage the target. When the Pilot gives the command to cease fire, the shooter will place the weapon on safe and confirm with the Pilot.

The shooter shall manage their ammunition and advise the Pilot if/when a reload is needed. Prior to landing, the Pilot will give the command to 'unload and make the weapon safe.' The shooter will place the weapon on safe, stow the magazine, and clear the chamber of the live round while locking the bolt to the rear.

### Post Flight Training Safety Procedures

When the Flight Crew is in the immediate vicinity of the aircraft, weapons may be stored in the gun case and secured in the rear seating area.

When the aircraft is left unattended weapons, magazines, and any accessories will be stored in a gun case and locked in the rear cargo compartment of the aircraft.

### **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.

Officers are also required to complete the UCR (Universal Crime Reporting) California/UCR Reports section when force is used.

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### 300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

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

### 300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Supervisor or their authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

### **300.6 MEDICAL CONSIDERATION**

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

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

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

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

### **300.7 SUPERVISOR RESPONSIBILITY**

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

- a. Obtain the basic facts from the involved(s).
- b. Ensure that any injured parties are examined and treated.
- c. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- d. Identify any witnesses not already included in related reports.
- e. Review and approve all related reports including the UCR California/UCR Reports use of force data entry. In the event that the supervisor believes that the incident shall give rise to potential civil litigation, AIT shall be notified by the Watch Commander. Should the supervisor determine that any application of force was not within policy, the on-call administrator shall be notified. The on-call administrator shall determine if a separate internal administrative investigation shall be initiated. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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

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

## Safety Committee

### 301.1 PURPOSE AND SCOPE

The Safety Committee has been revised in an attempt to streamline the process and to lower the cost to the City regarding employee related accidents and damage to City property. The Committee will review traffic collisions and damage to/or loss of City property.

The Safety Committee is a review and recommendation body for the Chief of Police. The Chief will make the final determination and may accept or reject the Committee's recommendation.

### 301.2 STRUCTURE

The Safety Committee will consist of seven (7) voting members, which will include; any Bureau Commander (who acts as the tie breaker), one Lieutenant, one Sergeant and two representatives from the OPOA's membership (one of which will be the OPOA's Board of Directors' representative), and two members of the S.B.P.E.A. The Traffic Services Lieutenant or Sergeant will present the package and be a non-voting member. Members will be selected annually by the Patrol Bureau Commander.

Incidents of damage to/or loss of property will first be reviewed by a Bureau Commander, who will make the determination as to those cases that will be reviewed by the Safety Committee. All others not for review will be processed with no further action.

The members will be provided with current information as it relates to the California Vehicle Code, Department Rules and Regulations and Department Policies, and make a finding of non-chargeable or chargeable.

### 301.3 PROCEDURE

#### Finding

- (a) The Committee will make a finding of non-chargeable or chargeable. If the finding is chargeable, a determination will be made as to whether the incident was a result of carelessness, negligence, or gross negligence.
  1. Carelessness: an avoidable accident or unintentional incident.
  2. Negligence: the disregard for the safety of others or surroundings, or the disregard of Department Policies and Procedures.
  3. Gross negligence: a negligent act that is aggravated, reckless or flagrant.

#### Completion of Safety Committee Report

- (a) After a finding is made by the Safety Committee, necessary documents will be completed by the designated clerical staff. The form will include the findings of the Committee, total point assessment including damage, and action to be taken as described in Section (d), discipline, of this policy.

## Safety Committee

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- (b) Based on the Safety Committee's findings, the employee will sign the appropriate section on the Safety Committee Report form.

Point assessment for the incident is based on the following:

- (a) One (1) point for carelessness.
- (b) Two (2) points for negligence.
- (c) Three (3) points for gross negligence.
- (d) Additional points assessment will be made for:
  - (a) Major injury.
  - (b) Traffic accidents based on the dollar value of the damage:
    - (a) One (1) point for damage between \$5,000 and \$9,999.
    - (b) Two (2) points for damage between \$10,000 and \$14,999.
    - (c) Three (3) points for damage more than \$15,000.
  - (c) Property lost or damaged based on the dollar value:
    - (a) One (1) point for loss/damage between \$1,000 and \$4,999.
    - (b) Two (2) points for loss/damage between \$5,000 and \$9,999.
    - (c) Three (3) points for loss/damage above \$10,000.

### Discipline

- (a) Points will accrue for two years from the date of the last incident. **Points accrued for 'Collisions' will be kept separate and are distinct from those accrued under the 'Property Lost or Damaged' category and disciplinary measures will be assessed separately.** The total points accumulated after each incident **and** each category will result in the following disciplinary measures:
  - (a) One point will result in a verbal admonishment.
  - (b) Two points will result in a written reprimand.
  - (c) Three to five points will result in a one-day suspension/loss of pay.
  - (d) Six to seven points will result in a three-day suspension/loss of pay.
  - (e) Eight or more points will result in a five-day suspension/loss of pay.

If the employee is to receive a verbal admonishment, the Supervisor administering it will document the admonishment on the bottom of the report.

### Due Process

- a. If the employee does not agree with the finding, he/she shall complete a memorandum, addressing it to the Committee Chairperson, requesting a re-evaluation of the incident at the

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next scheduled Safety Committee meeting. Any decision made at that meeting will be final. If the employee does not agree with the decision and the resulting discipline, his/her remaining option would be through the City's grievance process.



## Administrative Investigation Team

### 303.1 PURPOSE AND SCOPE

A team of supervisors referred to as the "Administrative Investigation Team" (AIT) has been assembled by the City Attorney to investigate all incidents where force is used by members of our Department and/or in other incidents where a potential for civil litigation exists.

I. PURPOSE The purpose of the Team is to act at the direction and in support of the City's Attornies and Risk Management. This team will investigate and collect evidence to assist in the evaluation of liability to the City and the officer, and to assist in the defense of such potential claim(s). The Administrative Investigation Team is a fact-finding body. They may also make recommendations to the Training Division to establish new tactics and procedures where appropriate. It is not the Team's responsibility to offer conclusions or make recommendations as to disciplinary action if policy violations are discovered in the course of their investigation. The Watch Commander shall be provided a list of those supervisors assigned to the Team, along with a list of on-call attorneys for the City. Prior to AIT being called out, the Watch Commander should first make the request through a Bureau Commander or the on-call Administrative Officer. In the event the Bureau Commander or on-call administrator cannot be reached, the Watch Commander can proceed by notifying the AIT Lieutenant. The Watch Commander will activate the AIT when any of the following occurs:

- (a) When shots are fired at suspect(s) or suspect vehicle(s) by officers, whether or not anyone is injured, on or off duty, in or out of the city.
- (b) When there has been a physical altercation between officer(s) and suspect(s), and the suspect(s) have been admitted to the hospital or may die as a result of the altercation, and in any case where a prisoner dies while in the custody of the Department.
- (c) When an incident has occurred where civil litigation is threatened or indicated.

### 303.2 PROCEDURE

II. PROCEDURE When the decision is made to activate the AIT, the on-call attorney for the City should be contacted immediately. In the presence of the City's attorney, and subject to attorney/client and work product privileges, the AIT investigator assigned to the investigation shall conduct an investigation which shall be concurrent, but separate from, the criminal investigation. The AIT investigation shall include the following procedures:

- (a) The AIT investigators shall be present at each interview of the officer(s) subject to the joint AIT and criminal investigation. Such presence by the AIT investigator may be remote via speakerphone. The City's attorney may elect to be present if deemed

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necessary. AIT's interview will be coordinated with the criminal investigation interview so as to eliminate multiple interviews of the officer(s).

- (b) Each interview of the officer(s) subject to investigation shall be audio recorded. At the commencement of the interview, the officer(s) will be advised that the interview is being recorded.
- (c) At the beginning of each interview, the officer shall be asked if he or she is willing to give a voluntary statement. If the officer is willing to give a voluntary statement, the AIT investigation will continue to run concurrently with the criminal investigation.
- (d) If the Officer declines to give a voluntary statement, the detective should confirm that the officer being interviewed is aware of his or her responsibilities as a peace officer and the potential consequences of his/her decision on the prosecution of the suspect, should he/she choose not to speak. If the officer then refuses to speak to detectives conducting the criminal investigation for the purposes of providing information to aid in the prosecution of the suspect(s), the criminal investigation detectives will be excused and will not be allowed to sit in on the interview. AIT will then proceed with interviewing the officers and may order the officer being interviewed to cooperate as part of the officers obligations and duties as a member of the department.
- (e) The AIT investigator shall then Mirandize the officer and shall also give the officer the following admonition: "This interview is being conducted as part of an administrative investigation in which you will be asked questions specifically directed and narrowly related to the performance of your official duties. You are entitled to all constitutional rights and privileges granted by the constitution and the laws of the United States and the State of California, including your right not to be compelled to incriminate yourself and the right to have legal counsel present at each and every stage of the litigation. However, it is your duty and responsibility as an officer with this department to cooperate with the investigation that is now proceeding. If you do not cooperate with the investigation, you will be subject to disciplinary action which could result in termination. You may have a representative present during the interview. The interview will be delayed for only a reasonable period of time for this purpose. A 'reasonable period of time' shall be interpreted by this investigator, but in no case will the delay for this purpose exceed one day. Because it is your obligation to cooperate in providing this statement, your statement and/or other acts of cooperation during this administrative investigation cannot be used against you during any subsequent criminal investigation which may be initiated as a result of this incident. Your statements will be held confidential, consistent with Penal Code, Section 832.7, and will not be divulged except as required by law. No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent criminal proceeding. This is subject to the following qualifications:
  - 1. This shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any

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- public safety officer, including disciplinary action brought under Section 19572 of the California Government Code.
2. This shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.
  3. This shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in-camera review to determine whether the statements serve to impeach the testimony of the officer.
  4. This shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased."
- (f) If, following the interview by AIT, it appears the officer involved has committed a serious policy violation or a crime, the Internal Affairs Division will be called to conduct an Internal Affairs Investigation. The AIT members will also have the option of calling out and /or consulting with the City's liability attorneys or any additional Department members as necessary or desirable to complete the investigation.
- (g) The completed investigations, including reports, tapes of interviews, photos and all related materials, shall be forwarded to the City's attorney, to be held pending further legal proceedings. The City's attorney may elect to meet with the Chief of Police, or his/her designee, to review the results of the investigation. This meeting between the city's attorney and the Chief of Police, or his/her designee, shall be subject to attorney-client privilege.
- (h) In all cases where AIT is activated, the City's attorney will be contacted and provided a brief outlining of the circumstances of the incident, including the identity of officer(s) and suspect(s) and extent of injuries, if applicable. All reports associated with the AIT are considered subject to attorney-client privilege and may be disseminated only by the Chief of Police.
- (i) In all cases where AIT is activated, the AIT Investigator(s) shall provide an oral report to the appropriate bureau commander and Chief of Police and/or Deputy Chief of Police outlining the circumstances of the incident. This briefing shall not be more than seven (7) days after the commencement of the investigation unless expressly approved by the Chief of Police.

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## Tactical Rescue Knife

### 305.1 PURPOSE AND SCOPE

Tactical Rescue Knives are primarily carried to provide a cutting tool for employees to use to perform emergency rescue, suicide intervention, utility cutting chores, package opening for searches, and other miscellaneous uses.

### 305.2 TACTICAL RESCUE KNIVES, REQUIRED ON-DUTY

All sworn personnel shall carry a department issued or authorized tactical rescue knife while on duty and in uniform. It is highly recommended that plainclothes personnel carry a tactical rescue knife while on duty. The following exceptions will apply:

- (a) While in plainclothes or undercover where the discovery of an issued utility or rescue knife could be an officer safety issue. Prior supervisor notification should be made.
- (b) While handling prisoners in a custody environment, unless needed for rescue or suicide intervention.
- (c) Prohibited by State or Federal regulations.
- (d) Exception granted by Chief, Deputy Chief or Bureau Commander.

### 305.3 AUTHORIZED TACTICAL RESCUE KNIVES

The Department will issue all sworn officers an Emerson Knives, Inc. P-SARK (Police-Search and Rescue Knife) or CQC-7BW. These knives will be serial numbered. Officers will have a choice of carrying the knife with the clip on the right or left side. All knives carried by Department personnel must be serial numbered and assigned to the employee by serial number. Bureau Commanders and Specialized Unit Supervisors may allow other knives to be carried for special assignment or special needs, with written documentation of the change or addition.

### 305.4 MODIFICATIONS/REPAIRS

Only Emerson Knives Inc. and their custom/production shop may make repairs or modifications. Individual officers can perform sharpening with instruction in the process. Department personnel trained to perform sharpening, or the Emerson factory, can also provide this service.

### 305.5 USE

Officers will receive training to use a cutting tool as a weapon when such use would be consistent with Policy 300 (Use of Force) and other means of defense are not reasonably available.

- (a) Carry is optional while off-duty.
- (b) The employee is responsible for safe storage and use of their assigned tactical rescue knife.

## *Tactical Rescue Knife*

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- (c) If the employee is ingesting alcohol while off duty or taking prescription drugs, extreme caution should be exercised.
- (d) Tactical rescue knives will not be displayed in an offensive or threatening manner as an exposed blade. It will normally be clipped into a pocket, or carried in a sheath. Retention, safety, and concealment of the knife blade from public view should all be considered.
- (e) If the tactical rescue knife is carried off-duty, all department regulations will apply to its usage.
- (f) Officers will attend all required training.
- (g) Any on or off-duty injuries must be reported to a supervisor.

## 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 Ontario 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 Ontario 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 an individual 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 assure 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 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.

## *Handcuffing and Restraints*

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(Penal Code § 3407; Penal Code § 6030). Restraints shall be removed when a professional, who is currently responsible for the medical care of a pregnant person during a medical emergency, determines the removal of the restraints is medically necessary.

### **306.3.3 RESTRAINT OF JUVENILES**

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

### **306.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (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.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual 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/MASKS/SOCKS**

Spit hoods/masks/socks 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 that the restrained person can breathe normally. Officers should provide

## *Handcuffing and Restraints*

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assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals 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 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.

The safety restraint chair is intended to help control combative, self-destructive or potentially violent detainees during a forced blood draw event. Arrestees should never be left unattended while secured in the safety restraint chair. In the event the safety restraint chair is needed, the arresting officer shall advise the Watch Commander and a supervisor should be present during the force blood draw.

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

### **306.7 APPLICATION OF SUPPLEMENTAL RESTRAINT DEVICES**

Supplemental restraints may be used to restrain a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices (e.g. hobble and violent prisoner transport restraint) approved by the Department shall be used. Only officers who have successfully completed department approved training in the use of supplemental restraint devices are authorized to use the device.

In determining whether to use a supplemental restraint, officers should consider:

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



## *Handcuffing and Restraints*

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

When applying supplemental restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply a supplemental restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the supplemental 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) If a supplemental restraint is used on the legs of a suspect, he/she should be placed in a seated and upright position and should not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe and cause positional asphyxia.
- (d) If a Total Appendage Restraint Procedure (T.A.R.P.) is used, officers should ensure the suspect's feet are not secured within 12-inches of the wrists behind the back in a "hog tie" position. (Cruz vs. City of Laramie, US Court of Appeals - 10th CIR 2001)
- (e) The restrained person should be continually monitored by an officer while in a supplemental restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (f) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (g) A supplemental restraint device can be utilized to secure a violent or potentially violent prisoner inside a police vehicle for transportation purposes. If utilized, the restrained person should be placed in a seated and upright position and secured with the equipped seatbelt.
- (h) When transported by ambulance/paramedic unit, 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **306.8 REQUIRED DOCUMENTATION**

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

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

## 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 Ontario 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 IMPACT WEAPONS

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.

#### 308.4.1 AUTHORIZED IMPACT WEAPONS

- (a) Straight baton: 21-inch to 31-inch (depending on assignment)
- (b) Expandable baton, 3 sectional: 21-inch to 31-inch (depending on assignment)
- (c) PR-24
- (d) Flashlight.

## *Control Devices and Techniques*

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Flashlights are not to be used as a substitute for other impact weapon(s), unless the other impact weapon(s) are not readily available or their use would be impractical. Police flashlights may be used as an impact weapon only when it appears to be reasonably necessary in the performance of an officer's duties under the totality of the circumstances.

### **308.5 CHEMICAL AGENTS GUIDELINES**

Chemical agents may be used to gain compliance and control of physically resistant, dangerous, concealed, aggressive or violent persons in arrest situations and in other law enforcement situations as appropriate. Chemical agents may also be used for unlawful assemblies to move uncooperative individuals to or from a planned, specified area. The active ingredients of the chemical agents used by Ontario Police Department are oleoresin capsicum (OC) and/or ortho-chloro-benzal malonitrile (CS) gas. These chemical agents are considered a less lethal option for the use of force and designed to move a subject from a place of concealment or advantage, by projecting the chemicals into an area. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and to assist in providing medical aid or gas evacuation if needed.

#### **308.5.1 DEPLOYMENT**

The supervisor or senior officer at the scene shall make the initial evaluation of the situation and notify the Watch Commander on the need to deploy chemical agents. This brief statement should include the justification for the use of chemical agents. The Watch Commander will make a decision based on the information obtained. The Watch Commander may authorize the immediate use of the MK-9 Magnum OC/CS fogger.

If chemical agents in the form of grenades and/or projectiles are required to be deployed, the Watch Commander will consult with the S.W.A.T. Commander (or his/her designee) prior to deployment.

If gas grenades and/or projectiles are to be deployed, the Watch Commander will initiate a S.W.A.T. call-out, utilizing members of the S.W.A.T. Team. The S.W.A.T. supervisor will assume command of the tactical situation, relieving the patrol supervisor of that duty. In the event of a civil unrest event in which the Mobile Field Force is deployed, the Mobile Field Force Commander may authorize the use of gas grenades and/or projectiles.

The Department recognizes there may be exigent circumstances that prevent sufficient time for a S.W.A.T. response. In these instances, properly trained Department personnel may deploy "cold gas," grenades and/or projectiles. S.W.A.T. or Mobile Field Force personnel only may deploy "hot gas".

The Watch Commander shall immediately notify the on-call Administrative Officer of the situation and the use or impending use of chemical agents.

#### **308.5.2 OFFICER RESPONSIBILITIES**

Chemical agents should be used after a verbal warning, when practical.

## *Control Devices and Techniques*

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When applicable and practical, suspects should be advised to surrender to arrest prior to use of chemical agents.

Chemical agents may be used in situations where it reasonably appears to an officer that physical force should be used to protect himself/herself or other persons from assault, when it appears reasonably necessary to overcome resistance to an arrest, or to restrain a violent or dangerous person.

Caution & consideration shall be used when a chemical agent is deployed in an indoor setting, and where other persons may be incidentally exposed.

### **308.5.3 OC/CS FOGGER**

The Def-Tec MK-9 fogger (trade name First Defense) can be used in open or confined areas.

Prior to the use of the MK-9 fogger, the supervisor or senior officer shall insure that all personnel involved have the proper air-purifying respirator (ARP).

When used in confined areas, the supervisor or senior officer shall designate an arrest and control team at the projected extraction point.

When applicable and practical, the suspect should be advised to surrender to arrest at the projected extraction point.

The MK-9 fogger shall be deployed in one (1) second bursts. The amount of chemical agent used will vary depending on the cubic feet, but should completely saturate the affected area.

### **308.5.4 JAIL USE**

If chemical agent use is needed in the detention area of the police facility, the OC/CS fogger and/or the OC foam should be utilized.

Prior to use in the jail, if practical, other prisoners and uninvolved persons should be removed from the affected area.

## **308.6 OLEORESIN CAPSICUM GUIDELINES**

Uniformed officers of this Department shall carry a Department issued O.C. canister on their person in its holster on the equipment belt while on duty. 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. O.C. spray shall only be used in accordance with this policy. O.C. spray may be used to gain compliance and control of physically resistant, aggressive or violent persons in arrest situations and in other law enforcement situations as appropriate. The active ingredient of the liquid aerosol or foam agent is oleoresin capsicum. It is considered a non-lethal device that is designed to subdue a person by projecting the specially formulated liquid or foam into the face and eyes.

### **308.6.1 DEPLOYMENT**

Either the Def-Tec MKIII or IV canister (trade name First Defense), or MSI 10% pepper foam shall be used. The Def-Tec canister can be used with accuracy in still, calm air from 3 to 12 feet. The

## *Control Devices and Techniques*

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MSI canister has a working range of at least eight feet. Officers should avoid spraying at less than 3 feet, unless circumstances are unavoidable.

To be effective, the droplets of the stream or foam should land on the face and eyes of the subject. The spray or foam will cause an intense burning and inflammation of the face, eyes, and throat.

Once a subject has been exposed to O.C., the subject shall not be confined in such a way as to restrict his/her breathing.

### **308.6.2 OFFICER RESPONSIBILITIES**

Prior to the use of O.C. spray, an officer should give a verbal warning, when practical and reasonable.

When applicable and practical, suspects should be advised that they are under arrest prior to use of O.C. spray.

O.C. spray may be used in situations where it reasonably appears to an officer that physical force should be used to protect the officer or other persons, when it appears reasonably necessary to gain compliance and control of physically resistant, aggressive or violent persons in arrest situations and in other law enforcement situations as appropriate. O.C. spray should not be used on persons as a punitive measure.

Caution shall be used when O.C. spray is deployed in an indoor setting, and where other persons may be incidentally exposed.

### **308.6.3 USE BY CIVILIAN PERSONNEL**

Upon successful completion of a Department O.C. spray class, police technicians, cadets, and civilian employees with public contact outside the police facility (Crime Prevention Specialists, etc.) may carry a Department-issued O.C. canister. This O.C. spray will only be used while on duty.

Civilian personnel are only to use O.C. spray for their own personal protection and generally, only when other reasonable alternatives have been exhausted. O.C. spray is not intended to replace good judgment and civilian personnel should make every effort to avoid a violent confrontation.

Civilian personnel using O.C. spray are required to immediately notify dispatch of the incident. An officer shall respond to the location to assist with the subject and report.

### **308.7 SPECIALTY IMPACT MUNITIONS GUIDELINES**

The purpose of utilizing specialty impact munitions (SIM) is to provide a method for officers to apply force, comparable to that delivered by the police baton, effectively, accurately, and from a safe distance against hostile, combative, or armed individuals. Specialty Impact Munitions are defined as: Ammunition designed and developed to be launched at human targets and animals (e.g., dogs, etc.) with a lower probability of producing fatal results. These munitions can cause similar injuries as traditional police impact weapons (e.g., batons, PR-24's, etc.) and can be referred to as "extended range impact weapons." Generally, specialty impact munitions may be considered for use whenever time is available to tactically plan for and deploy the weapon, and in order to reduce the risk of injury to officers, innocent citizens and/or suspects.

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### 308.7.1 PRECAUTIONS

Shotguns designated for the use of kinetic energy projectiles will be specially marked as such. Officers carrying Specialty Impact Munitions will inspect the launchers/deployment systems at the beginning of each shift to ensure that it is in proper working order and loaded only with approved projectiles. An individual officer without cover officers or a tactical plan generally should not use specialty impact munitions. Only factory-manufactured ammunition shall be used during actual operations. Specialty rounds will only be utilized by properly trained personnel. Each specialty round should be inspected prior to being loaded into the weapon. Upon receiving and/or deploying any specialty impact munitions, the person actually deploying them is ultimately responsible for ensuring that these munitions are "less lethal" and used in accordance with departmental policy. Specialty impact munitions generally should not be used when the suspect is in danger of falling from a significant height. Consideration should be given when information indicates that the suspect has pre-existing physical or medical conditions, which could exacerbate the effects of the specialty impact munitions. When practical, a verbal warning shall be given that force is going to be used if the suspect doesn't comply with the officers' commands. The suspect's actions and circumstances of the situation will determine practicability.

### 308.7.2 EQUIPMENT

The following Launchers/Deployment Systems are authorized for use:

- (a) PepperBall Launcher Model PS-SA 200 or PepperBall Launcher Model Carbine SX.
- (b) Remington Model 870 shotgun with bright orange stock and forearm.
- (c) Defense Technology 40mm, single round and 6 round multi-launcher.

The following projectiles are authorized for use:

- (a) PepperBall Live Capsaicin II (Red or Red and White in Color)
- (b) PepperBall Glass Breaking Solid Nylon Projectiles (Opaque White in Color)
- (c) Defense Technology Drag Stabilized 12 Gauge Bean Bag Round.
- (d) Defense Technology 40 MM Exact Impact Sponge Round

During exigent circumstances (i.e., mobile field force/crowd control response) the depletion of SIM ammunition can occur. If this occurs, it may become necessary to obtain SIM ammunition from other law enforcement agencies. Since these agencies may not purchase SIM ammunition from the same manufacturer, supervisory approval shall be obtained prior to deploying these rounds. It shall be the supervisor's responsibility to ensure these rounds are comparable to those authorized under this policy. It shall be the deploying officer's responsibility to ensure the proper SIM ammunition is loaded in the SIM weapon prior to discharge.

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### **308.7.3 PEPPER PROJECTILE SYSTEMS GUIDELINES**

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 deploying 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. The use of a pepper projectile system is subject to the following requirements:

1. 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 deployments where the suspect has been hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.
2. 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. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

Pepperball's red-colored OC round will be stored in the Pepperball system's hopper. The hopper should be kept 90% full and attached to the Pepperball system to allow for immediate deployment.

(Note: Filling the hopper to maximum capacity can prevent proper cycling of the Pepperball rounds into the firing chamber.) The Pepperball Model SA200 system should be stored charged (the compressed air tank fully connected to the launcher), on "safe" and with an empty chamber. The PepperBall white glass-breaking round shall be stored in a separate container from the red PAVA rounds, sealed with a label stating "For Glass Only." This is a single-shot, glass-breaking round and shall not be loaded into the system's hopper for deployment. This separate container should be kept in the system's soft/hard case, until needed.

### **308.8 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.

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.

The SIM less lethal 12-gauge shotgun should be stored with four (4) rounds of less lethal ammunitions in the magazine tube, and the hammer released on an empty chamber. The safety shall remain in the "off" position during storage.

1. Extra 12-gauge less lethal rounds should be stored in the side pouch of the soft case and/or nylon ammunitions pouch worn on the leg.

## *Control Devices and Techniques*

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Defense Technology's (DEF-TEC) 40mm Exact Impact SIM rounds should be kept in the 40mm delivery system's soft/hard case. The 40mm delivery system launcher shall be stored with the firing pin released on an empty chamber.

1. Additional (DEF-TEC) 40mm Exact Impact SIM rounds should be kept in the 40mm delivery system's soft/hard case and/or spare round deployment pouch/vest.

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

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

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

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 deployment 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.



## *Control Devices and Techniques*

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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.

The 12-gauge (less lethal shotgun), 40mm and compressed air (Pepperball) specialty impact munitions systems, in the field, should be stored in a specially marked soft or hard case. 12-gauge SIM systems may be secured in the patrol unit's lockable shotgun rack. Launchers and deployment systems assigned to Sergeant Patrol vehicles should be stored in the vehicle's rear storage area.

### **308.9 TRAINING GUIDELINES**

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

1. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
2. All training and proficiency for control devices will be documented in the officer's training file.
3. 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.

#### **308.9.1 REPORTING**

In all cases when a control device is used, a detailed and accurate report shall be completed concerning the circumstances relating to its use. The report shall document the reasons and justification for its use, the amount of use and the effects. If the subject is booked at a jail facility, the staff at the facility will be advised that the suspect has been subjected to a control device. The Watch Commander at Ontario Police Department will also be advised as soon as possible.

Anytime specialty impact munitions are operationally discharged, appropriate documentation shall be completed. A case report, WIC 5150 report, supplemental report or other appropriate report by the officer deploying specialty impact munitions is required. A field supervisor shall be notified of the specialty impact munitions use to determine if a use of force report is also required. When documenting the use of less lethal munitions, the specific type and number of rounds deployed should be listed in the documentation (e.g., Pepperball, Exact Impact 40mm or Drag Stabilized 12-gauge Bean Bag Round, etc.). The documentation for deployment of less lethal munitions should not be referred to as only "less lethal munitions" or "bean bag rounds." 1. Anytime a suspect has been hit with a less lethal specialty impact munitions round, the Watch Commander shall be notified, even if the suspect has no apparent injuries. The Watch Commander will determine if AIT or Administrative notification is necessary.

## Conducted Energy Weapon

### 309.1 PURPOSE AND SCOPE

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

### 309.2 POLICY

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

### 309.3 ISSUANCE AND CARRYING TASER DEVICES

All sworn personnel working in an enforcement capacity while wearing the Department uniform, shall be issued a TASER and shall carry the TASER while on duty. This applies to all sworn personnel performing any extra duty assignment in which the uniform is worn.

Personnel assigned to specialized assignments shall carry the TASER as necessary. All personnel assigned to an administrative position or the Detective Bureau shall carry a TASER while working patrol duty or any extra duty assignment in which the uniform is worn.

Exceptions may be made by the employees respective Bureau Commander.

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

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

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

Members carrying the TASER should ensure the date and time is updated on a monthly basis by plugging the battery into the dock.

When carried on the officer's duty belt, while in uniform officers shall carry the TASER device on the opposite side of their duty weapon. A cross draw or weak hand draw is acceptable.

Officers who carry the TASER on an outer vest, may carry it on their dominant side, only if it is mounted for a cross draw with the non-dominant hand. Officers who carry the TASER on their non-dominant side, may draw from a cross draw or weak hand draw position.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device. When not carried on the officer's person, the officer shall have all additionally issued cartridges readily available.

## *Conducted Energy Weapon*

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- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

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

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

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

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

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

### **309.5 USE OF THE TASER DEVICE**

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

#### **309.5.1 APPLICATION OF THE TASER DEVICE**

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject 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, him/herself or others.

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

#### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would

## *Conducted Energy Weapon*

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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 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 who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, in or around body of water).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally 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.

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

### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### 309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

When Officers apply the TASER device they should evaluate the situation before deploying a second set of darts or re-energizing the initial set of darts. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

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Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. If the subject suffers an immediate significant injury or death following exposure to the Taser device, the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 309.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### 309.5.7 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that TASER devices 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 TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will be reported to a supervisor as soon as possible and documented in the report.

### 309.6.1 REPORTS

Officers shall be provided the opportunity to review the CEW data prior to completing their report. The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (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
- (f) Serial number of the deployed TASER
- (g) Number of times the TASER was activated

## **309.7 MEDICAL TREATMENT**

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

## *Conducted Energy Weapon*

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All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device 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 TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) 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 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 TASER device.

### **309.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. In addition, The supervisor is expected to:

- (a) Obtain the basic facts from the members involved(s).
- (b) Ensure that any injured parties are examined and treated by qualified medical professionals.
- (c) Ensure photographs have been taken of any probe sites, areas involving visible injury or complaint of pain as well as overall photographs.
- (d) Ensure all witnesses are identified and interviewed interviewed.
- (e) Review all reports in accordance with DPM 300.7.

### **309.9 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not

## *Conducted Energy Weapon*

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carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices shall occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

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

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

## Officer-Involved Shootings and Deaths

### 310.1 PURPOSE AND SCOPE

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

### 310.2 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate Investigations. The Investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or Deputy Chief of Police.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

### 310.3 JURISDICTION

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

#### 310.3.1 ONTARIO POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Ontario Police Department is responsible for the criminal investigation of the suspect(s) actions, the criminal investigation of the officer-involved shooting, the civil investigation, and the administrative investigation.

#### 310.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Ontario Police Department is responsible for the criminal investigation of the suspect's actions and the criminal investigation of the officer-involved shooting. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

#### 310.3.3 ONTARIO POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

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



## *Officer-Involved Shootings and Deaths*

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### 310.3.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies possible scenarios and responsibilities for the investigation of officer-involved shootings: The following table is advisory and may be modified by the Chief of Police or his designee.

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>OPD Officer in This Jurisdiction</b>	OPD Investigators	OPD Investigators	OPD Administrative Investigation Team	OPD Internal Affairs Division
<b>Allied Agency's Officer in This Jurisdiction</b>	OPD Investigators	OPD Investigators	Involved Officer's Department	Involved Officer's Department
<b>OPD Officer in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency where incident occurred	OPD Administrative Investigation Team	OPD Internal Affairs Division

### 310.4 THE INVESTIGATION PROCESS

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

#### 310.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
  1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer, limited to public safety questions.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

## *Officer-Involved Shootings and Deaths*

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- (g) As soon as practical, shooter officers should be transported (separately, if feasible) to the station for further direction.
1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
  2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon. To protect the chain of evidence, the officer's weapon shall be relinquished to an investigator who will be responsible for turning the weapon over to an Ontario Police Department Range Staff Armorer for inspection. Once the weapon has been inspected, the weapon will be returned to the officer maintaining chain of custody.

### 310.4.2 WATCH COMMANDER RESPONSIBILITIES

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

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

### 310.4.3 NOTIFICATIONS

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

- Chief of Police
- Deputy Chief of Police
- Investigations Bureau Commander
- Bureau Commander of the involved officer(s)
- Internal Affairs Division supervisor
- Administrative Investigations Team
- Psychological/Peer support personnel
- Officer representative (if requested)

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

### 310.4.4 MEDIA RELATIONS

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

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from

## *Officer-Involved Shootings and Deaths*

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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 Bureau Commander.

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

### 310.4.5 INVOLVED OFFICERS

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

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, 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)).

## *Officer-Involved Shootings and Deaths*

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

### **310.5 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

#### **310.5.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigations Division supervisor to assign appropriate detective personnel to handle the investigation of related crimes.

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

#### **310.5.2 CRIMINAL INVESTIGATION**

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, Administrative Investigations team, and Internal Affairs Division personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (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.

#### **310.5.3 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.

## *Officer-Involved Shootings and Deaths*

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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.

### **310.5.4 WITNESS IDENTIFICATION AND INTERVIEWS**

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

- (a) Identify all persons present at the scene and in the immediate area.
  1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
  1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

### **310.6 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the AIT Lieutenant. If any

## *Officer-Involved Shootings and Deaths*

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

- (a)
  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))
- (b) 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)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).
  4. The officer shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
  5. The administrative interview shall be considered part of the officer's confidential personnel file.
  6. The assigned AIT Investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  7. The completed administrative investigation shall be submitted to the Captain of the Field Operations Bureau, which will restrict his/her findings as to whether there was compliance with the Department use of deadly force policy.
  8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

## *Officer-Involved Shootings and Deaths*

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### **310.6.1 CIVIL LIABILITY RESPONSE**

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

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

### **310.7 AUDIO AND VIDEO RECORDINGS**

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) 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 or other video or audio recordings with approval of assigned investigators or a supervisor.

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

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### 312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

This policy does not apply to the use of firearms that are addressed in the Use of force Policy (300) or Officer Involved Shooting Policy (310).

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

### 312.2 DEFINITION

The term Rangemaster is defined as the Sergeant designated by the Special Operations Bureau Commander to oversee all range activities including but not limited to qualifications, staffing, training, firearms and equipment.

The Armory Sergeant is designated by the Rangemaster to oversee the maintenance and repairs of all Department issued firearms.

### 312.3 AUTHORIZED WEAPONS

The Ontario 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 and in good working order and that relevant training is provided as resources allow.

No firearms will be carried that have not been previously inspected by a Department firearms instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized Department range.

On-duty Department personnel are prohibited from carrying any other weapons 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, without the express written authorization of the Special Operations Captain or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

On-duty personnel will be armed at all times, with the following exceptions:

- a. While working in an undercover assignment where the discovery of a weapon could be an officer safety issue. Prior supervisory approval must be obtained.
- b. While handling suspects/prisoners in a custody environment.
- c. When prohibited by State/Federal law (i.e. Federal Court).



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d. Exceptions granted by the Chief of Police, Deputy Chief of Police or Bureau Commander.

The following personnel shall deploy with a long gun

- All sworn personnel working patrol, whether as a regular assignment or in an extra duty/overtime status.
- All sworn personnel working in an enforcement capacity while wearing the department uniform.

Some exceptions include, but are not limited to:

- Extra duty assignments or details where personnel are assigned on foot or on bicycles and where a patrol vehicle is not readily available. Some examples are Bicycle Patrol, Dave and Busters, Citizen's Business Bank Arena, City Council Meetings, etc.
- Prior supervisor approval.

### 312.3.1 DUTY WEAPONS

The authorized departmental issued handgun is the Glock Model 17-9mm.

The following additional handguns are approved for on-duty use: Personal handguns that meet the following specifications are the only handguns authorized for use by Ontario Police Department members while on duty.

- (a) Caliber will be .38 special, 9mm, .45ACP.
- (b) Must be capable of holding at least six rounds of ammunition in the cylinder or magazine. Note: Plainclothes personnel may carry five shot revolvers.
- (c) Revolvers manufactured by Colt or Smith & Wesson or semi-automatic pistols manufactured by Heckler & Koch, Sig-Sauer, Springfield, or Glock.
- (d) Upon completion of a Department approved transition program, 1911 style handguns may be carried for on duty use. Colt, Kimber, Les Baer, Ruger, Sig Sauer, Springfield, Smith and Wesson, Nighthawk, and Wilson are the approved manufacturers. Certain handguns manufactured by STI will only be authorized with prior approval from the Rangemaster.
- (e) Modifications
  - Grips wood, wood appearing, or rubber / plastic grips may be used. No special thumb-rest target stocks shall be used.
  - Grip adapters may be used.
  - No ornamentation or decorations shall be worn on grips.
  - All weapons carried on duty must be in good working order and must meet factory specifications. Modifications to internal parts (such as an upgrade from factory MIM parts to steel forged parts, must be cleared by the Armory Sergeant of that specific weapon system. A weapons authorization form will be completed (reflecting

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the change). The form will be forwarded to the Training Sergeant and filed in the employee's training file.

- Any officer obtaining a weapon (new/used whether privately owned or Department issued) for on-duty must be inspected and approved by a Department firearms instructor prior to qualifying and the carrying of the weapon.
- In the event of accidental discharge or malfunction of any weapon, on or off duty, the Officer's supervisor and a departmental armorer shall be notified and the weapon will be inspected.
- Handgun red dot sights are approved for duty. Red dot sights will be of good quality and shall be approved by the Armory Sergeant prior to duty use (e.g., Trijicon RMR, Leupold Deltapoint, Vortex Razor, Sig Sauer Romeo, or other approved).
- Any officer using a red dot sight on their duty handgun must have back up iron sights.
- Any modifications required to mount a red dot sight shall be approved by the Armory Sergeant (e.g., slide milling). Milling must be performed by a reputable gunsmith (e.g., L&M Precision Gunworks, ATEI, or other approved).
- Anyone who wishes to mount a red dot sight on their duty handgun must first complete the Department's 4-hour red dot sight transition course. Permission to utilize the sight while on duty will only be granted upon successful completion of the training.
- The approval of a red dot sight on a duty handgun will also require re-qualifying on the handgun course with department range staff.
- Any officer that chooses to carry a red dot sight will have to purchase the sight and any milling at the officer's expense.
- Milling a department weapon for the purpose of mounting a red dot sight is not authorized.

### 312.3.2 AUTHORIZED SECONDARY WEAPONS

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

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.). Carried in conjunction with duty weapon; shall be safe, reliable, and carried safely in a holster.
- (b) Only one secondary weapon may be carried at a time
- (c) The purchase of the weapon shall be the responsibility of the officer
- (d) Ammunition should be of good quality and manufactured by a departmentally approved company as suggested by the Range Sergeant.
- (e) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control
- (f) The weapon shall be subject to inspection whenever deemed necessary.

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- (g) Personnel shall qualify annually with each secondary weapon under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon.
- (h) Personnel shall submit an "Authorization Request" form of the make, model, color, serial number, and caliber of every secondary weapon to the Special Operations Captain.
- (i) Upon completion of a Department approved transition program, 1911 style handguns may be carried for back-up use. Colt, Kimber, Les Bauer, Ruger, Sig Sauer, Springfield, Smith & Wesson, Nighthawk and Wilson are the approved manufacturers.

### 312.3.3 AUTHORIZED OFF-DUTY WEAPONS

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

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
- (b) The purchase of the weapon and ammunition shall be the responsibility of the officer.
- (c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the weapon to a firearms instructor for inspection prior to being carried off-duty. The firearms instructor shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner. The weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon annually prior to it being carried.
- (e) A complete description of the weapon(s) shall be contained on the qualification record approved by the Special Operations Captain. If any member desires to own more than one weapon utilized while off duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.
- (f) Ammunition should be of good quality and manufactured by a departmentally approved company as suggested by the Rangemaster.
- (g) When armed, whether on or off duty, officers shall carry their badge and/or department identification.
- (h) Upon completion of a Department approved transition program, 1911 style handguns may be carried for off duty use. Colt, Kimber, Les Baer, Ruger, Sig Sauer, Springfield, Smith and Wesson, Nighthawk and Wilson are the approved manufacturers.

### 312.3.4 AMMUNITION

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Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by a firearms instructor when needed in accordance with established policy.

### 312.3.5 ALCOHOL AND DRUGS

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

### 312.3.6 LASER SIGHTS

Laser sighting devices are not authorized for on duty weapons unless approved by the Special Operations Captain or his/her designee.

## **312.4 SAFE HANDLING OF FIREARMS**

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

### 312.4.1 CARRYING FIREARM WHILE INJURED ON DUTY (I.O.D.), ON LIGHT-DUTY, OR AN OFF-DUTY INJURY

Employees who have been placed into an I.O.D. or light duty status or are off work for an off-duty injury may be prohibited from carrying a firearm unless they are able to maintain qualification.

## **312.5 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify quarterly or when scheduled, with their duty weapon on an approved range course. The Training Sergeant shall keep accurate records of qualifications and training., The Armory Sergeant shall maintain repair and maintenance records.

In addition to regular qualification schedules, the Range Sergeant shall be responsible for providing all sworn personnel with 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.

Members of the Special Weapons and Tactics Team (SWAT) will conduct range qualifications at the monthly SWAT firearms training. This will suffice for the Department mandated scheduled range qualification.

### 312.5.1 NON QUALIFICATION

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

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Members who repeatedly fail to qualify will receive remedial training. If the member repeatedly fails to meet minimum standards after receiving remedial training, the member may be relieved from field assignment and appropriate disciplinary action may follow.

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

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

Any sworn personnel who are unable to qualify for two consecutive quarterly qualifications will be required to qualify prior to returning to duty.

### **312.6 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 Range Sergeant. Members shall not dry fire or practice quick draws except as instructed by the Range Sergeant 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 or within the confines of the Range.
- (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.
- (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) 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 a firearms instructor or Department armorer for inspection and repair. Any firearm deemed in need of repair or service 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.

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### 312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

A department 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 a department armorer must be approved in advance by the Armory Sergeant and accomplished by a department approved gunsmith.

Any repairs or modifications to an officer's personally owned weapons shall be done at his or her expense. Any repairs or modifications to personally owned weapons which will be used during the course of employment must be approved by the Armory Sergeant.

### 312.6.2 STORAGE IN VEHICLES

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

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

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

### 312.7 DESTRUCTION OF ANIMALS

Officers 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 in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### 312.8 REPORT OF FIREARM DISCHARGE

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

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

- (a) If on-duty at the time of the incident, the member shall file a written report and/or memorandum through the chain of command with his/her Bureau Commander or

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provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

- (b) If off-duty at the time of the incident, a written report or memorandum shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### **312.9 RANGE STAFF DUTIES**

The range will be under the exclusive control of the designated Special Operations Lieutenant or designated Range Staff member. All members attending will follow the directions of the designated Range Staff member. The Range Sergeant will maintain a roster of all members attending the range and will submit the roster to the Special Operations Lieutenant quarterly. Failure of any officer to sign in and out may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Rangemaster. The Armory Sergeant has the responsibility of making periodic inspections of all duty weapons carried by officers of this department to verify proper operation. Each member of the Range Staff has the authority to deem any Department or privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by a department armorer.

### **312.10 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 Ontario 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 Ontario Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Ontario 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.

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

### **312.11 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 Ontario 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.

### **312.12 SHOTGUNS**

The shotgun is not intended to replace the officer's handgun but should be considered an auxiliary weapon. The decision of when to deploy the shotgun will be, in the final analysis, a matter of judgment on the part of the officer or officers concerned.



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Officers will be required to attend range qualification in accordance with DPM 312.4, Weapons Qualification. Officers who wish to carry a personally owned shotgun must complete and submit an Authorization Request. The Remington 870, the Benelli M4 and the Mossberg 930 SPX will be the only authorized models. For officers owning the Benelli M4 or the Mossberg 930 SPX, they will be required to pass the appropriate Department Transition Course. The shotgun shall include a light system and a sling system. Acceptable modifications to the weapon include a picatinny rail, Eotech or Aimpoint sight or similar product, ghost rings, night sights, side saddle, collapsible AR-style stock and an extended magazine tube. Laser sighting devices and internal modifications are prohibited.

Collapsible or telescoping stocks are not authorized on semi-automatic shotguns unless previously registered compliant with California law.

The only approved ammunition is Department Issued number 00 buckshot, or rifled slugs.

### **312.13 SELF LOADING RIFLES 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 Ontario Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

[Sub Machine Guns \(SMG\) may be used in place of a patrol rifle and are subject to the same deployment qualification, training and rules set forth in this policy. Only officers who are active members of the department's Special Weapons and Tactics team, may carry an SMG while on duty.](#)

#### **312.13.1 PATROL RIFLE/SMG DEFINITION**

A patrol rifle/SMG is an authorized weapon which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

#### **312.13.2 SPECIFICATIONS**

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, may be used by officers in their law enforcement responsibilities.

Only department issued self-loading rifles and suppressors are authorized to be carried. All department issued self-loading rifles shall be suppressed while on duty. The only exception would be at the direction of a range master during range training.

Acceptable modifications to the weapon include electronic sights, night sights, optical scopes (maximum 4X magnification), and flashlights. Only officers who are active members of the department's Special Weapon's and Tactics team may utilize Laser sighting devices. Internal modifications are prohibited.

Any officer using a red dot sight on their self-loading rifle must have back-up iron sights.

[Only department owned SMG's are authorized for use by officers in fulfilling their law enforcement responsibilities.](#)

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### 312.13.3 MAINTENANCE

- a. Primary responsibility for maintenance of patrol rifles/SMGs shall fall on the Armory Sergeant or armorer who shall inspect and service each patrol rifle/SMG.
- b. Each patrol officer carrying a patrol rifle/SMG may be required to field strip and clean that weapon as needed.
- c. Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle/SMG.
- d. Each patrol rifle/SMG shall be subject to inspection by a supervisor, firearms instructor or armorer at any time.
- e. No modification shall be made to any patrol rifle/SMG without prior written authorization from the Armory Sergeant..

### 312.13.4 TRAINING

Officers shall not carry or utilize the patrol rifle/SMG unless they have successfully completed departmental training. This training shall consist of an initial 20-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete training and qualification conducted by a certified patrol rifle instructor, in accordance with Department Policy 312.4.

Any officer that chooses to mount a red dot sight, night sight, or optic on their self-loading rifle must sight-in and qualify with that sighting system prior to deploying with that weapon in the field.

### 312.13.5 DEPLOYMENT

Officers may deploy the patrol rifle/SMG 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

### 312.13.6 DISCHARGE OF PATROL RIFLE/SMG

The discharge of the patrol rifle/SMG shall be governed by the Department's use of force policy § 300.

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### 312.13.7 PATROL READY

Any qualified officer carrying a patrol rifle/SMG in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

### 312.13.8 RIFLE/SMG STORAGE

a. When not in use, patrol rifles will be stored in a secured area consistent with department training. Non-issued firearms shall be stored in the armory.

### 312.13.9 MOTORS EQUIPPED WITH RIFLE

a. Self-loading rifles carried on city motorcycles shall be Department issued weapons only. When an SLR is carried on a motorcycle, it shall be secured in a locked gun rack. The SLR will be stored with rounds in the magazine, with the weapon un-cocked on an empty chamber, and with the safety in the "safe" position.

b. Cleaning and maintenance of the SLR is the responsibility of the officer who is assigned to the weapon. The weapon shall be inspected and cleaned on the first and third week of each month and after each qualification. The maintenance of the SLR will be part of the officers motor maintenance time. During inclement weather, the SLR shall be inspected on a daily basis and cleaned as needed to prevent weather related damage.

c. During vacations and extended leave from the station, the SLR will be secured in the department equipment room or in a gun safe at the officer's residence. A tag will be attached to the SLR, identifying the weapon as being assigned to the Traffic Division and not to be assigned to patrol. For purposes of this policy, an extended leave will be defined as

d. During any maintenance on the motorcycle, the SLR will be secured in the Department equipment room as outlined in sub-section "C" above. An exception would be only if the backup motorcycle has a gun rack in which the SLR can be secured.

### 312.13.10 PATROL ISSUED RIFLES

a. Patrol Division personnel have the option of being issued a self-loading rifle. Personnel must successfully complete the 20-hour patrol rifle user's course prior to being eligible for an issued self-loading rifle. Personnel who transfer out of the Patrol Division may be required to surrender the self-loading rifles and issued accessories to the Training Division.

b. Cleaning and maintenance of the self-loading rifle is the responsibility of the officer who is assigned to the weapon. The self-loading rifle shall be maintained in a clean and serviceable condition. The weapon shall be subject to inspection whenever deemed necessary. Failure to maintain the self-loading rifle properly may result in a loss of privilege to carry an issued rifle.

c. All sworn personnel who are issued a self-loading rifle are required to qualify with the issued weapon quarterly. The rifle shall be cleaned after each qualification and/or, when exposed to inclement weather. Any disassembly of the rifle beyond a "field strip" will require the officer to contact a department armorer.

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d. Issued self-loading rifles shall be used only at department authorized training classes and qualifications. It is not permissible to use the self-loading rifle for personal use outside of employment or for recreational shooting.

e. Department issued self-loading rifles are required to be stored in the patrol unit rifle lock mount while the officer is on-duty. If a vehicle does not have a rifle mount that fits the patrol rifle, the weapon shall be stored in its case and secured in the trunk of the vehicle. A weapon stored in the trunk of a vehicle shall be inspected by the officer on a weekly basis to avoid permanent damage to the weapon caused by weather or other damaging circumstances. As a reminder, the self-loading rifle shall be stored in a patrol ready condition per Lexipol policy 312.13.7, while deployed in the field by any officer.

f. During vacations and extended leave from the station, the self-loading rifle shall be unloaded, with the magazine removed from the weapon and bolt locked in the open position. This must occur prior to the self-loading weapon being secured in the department's armory or in the officer's locked department issued locker. If the weapon is stored in the armory, a tag will be attached to the self-loading rifle, identifying the weapon as being assigned to a specific officer and is not available for use. For purposes of this policy, an extended leave will be defined as seven consecutive days or more away from the officer's assignment.

g. During off-duty periods, officers are allowed to take their department issued self-loading rifles home. Officers shall secure their self-loading rifle inside his/her residence away from all family members, friends and children. If an officer is assigned a take home vehicle the issued self-loading rifle will remain secured in the officer's department take home vehicle inside their locked garage. If the department take home vehicle cannot be secured inside a locked garage, then the officer is responsible to remove all department issued weapons from his/her vehicle and secure the weapons inside his/her residence away from family members, friends and children.

h. Personnel shall use the department issued flashlight mount or, supply their own tactical mount and maintain a tactical style flashlight to their department issued self-loading rifle. Personnel can also purchase an electronic red dot style sight system and modify the stock hand guard to a rail system at the officer's expense. If the officer decides to change the hand guard to a rail system, the officer is responsible for keeping the original hand guard in their possession until the department issued self-loading rifle is returned to the Training Division. Officers are allowed to change slings without prior authorization. If an officer chooses to change slings, the department issued sling shall be turned back into the Training Division immediately. Any other modification will require written authorization from the Armory Sergeant.

### 312.13.11 PATROL ISSUED SHOTGUN POLICY

- (a) Patrol Division personnel have the option of being issued a department owned shotgun. Personnel who transfer out of the Patrol Division may be required to surrender the shotgun and issued accessories to the Training Division.
- (b) Cleaning and maintenance of the shotgun is the responsibility of the officer who is assigned to the weapon. The shotgun shall be maintained in a clean and serviceable

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condition. The weapon shall be subject to inspection whenever deemed necessary. Failure to maintain the shotgun properly may result in discipline.

- (c) All sworn personnel who are issued a shotgun are required to qualify with the issued weapon quarterly. The shotgun shall be cleaned after each qualification and/or, when exposed to inclement weather. Any disassembly of the shotgun beyond a “field strip” will require the officer to contact a department armorer.
- (d) Issued shotguns shall be used only at department authorized training classes and qualifications. It is not permissible to use the shotgun for personal use outside of employment or for recreational shooting.
- (e) Department issued shotguns are required to be stored in the patrol unit rifle lock mount while the officer is on-duty. If a vehicle does not have a rifle mount or if the shotgun does not fit in the existing rifle mount, the weapon shall be stored in its case and secured in the trunk of the vehicle. A weapon stored in the trunk of a vehicle shall be inspected by the officer on a weekly basis to avoid permanent damage to the weapon caused by weather or other damaging circumstances. As a reminder, the shotgun shall be stored in a patrol ready condition until deployed. A shotgun is considered in a patrol ready condition when it has been inspected by the assigned officer, the chamber is empty and the magazine tube is loaded with four rounds.
- (f) During vacations and extended leave from the station, the shotgun shall be unloaded, with the rounds removed from the magazine tube and the action open. This must occur prior to the shotgun being secured in the department’s armory or in the officer’s locked department issued locker. If the weapon is stored in the armory, a tag will be attached to the shotgun, identifying the weapon as being assigned to a specific officer and is not available for use. For purposes of this order, an extended leave will be defined as seven consecutive days or more away from the officer’s assignment.
- (g) During off-duty periods, officers are allowed to take their department issued shotgun home. Officers shall secure their shotguns inside his/her residence away from all family members, friends and children. If an officer is assigned a department take home vehicle without a mounting system that can be locked, the issued shotgun can remain secure in the take home vehicle inside the officer’s locked garage. If the department take home vehicle cannot be secured inside a locked garage, then the officer is responsible to remove all department issued weapons from his/her vehicle and secure the weapons inside his/her residence away from family members, friends and children. If the department take home vehicle has a weapon mounting system that can be locked, the shotgun can be stored in the car for short periods of time. If the vehicle is left outside for an extended period of time, the weapon shall be removed and secured inside the officer’s residence.
- (h) Personnel shall use the department issued tactical light equipped on the shotgun. Officers are allowed to change slings without prior authorization. Any proposed modification to the shotguns will require approval and written authorization from the Armory Sergeant.
- (i) Additional department shotguns will be stored in the armory. A limited number of shotguns will also be stored in the equipment room. This limited amount of shotguns will be available for checkout by officers not assigned to the patrol division who are

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working an extra duty assignment. These shotguns will also be available for check out by officers assigned to patrol if their primary/duty long gun becomes inoperable and/or requires maintenance. All temporary shotguns from the equipment room will be returned to the armory at the officer's EOW. Personnel who check out a shotgun from the Equipment Room shall notify the Watch Commander when the shotgun is out and returned.

### **312.14 FACSIMILE FIREARMS TRAINING PROTOCOL**

**FACSIMILE FIREARMS TRAINING PROTOCOL** In order to ensure that our officers receive the highest level of modern training the Ontario Police Department has invested in a state of the art Facsimile Firearms Training Facility. The purpose of this facility is to simulate real life scenarios utilizing state of the art facsimile weapons. With this training opportunity comes an extreme amount of responsibility and emphasis on safety to ensure a safe and productive training environment for all. The purpose of this policy is to outline a strict protocol that shall be adhered to when utilizing this form of training.

#### **312.14.1 STAFFING**

Training conducted within the Facsimile Firearms Training Facility will only be overseen by firearms instructors who have completed a recognized scenario instructor and safety certification course for facsimile firearms training. Range master certification alone does not qualify an instructor to lead facsimile firearms training. Each training session will consist of a minimum of three instructors designated in the following positions:

Officer in Charge - O.I.C.

Safety Officer

Safety Zone Monitor

**OFFICER IN CHARGE-O.I.C.**

The O.I.C. is the primary instructor for facsimile firearms training scenarios. The O.I.C. is responsible for notifying the Watch Commander that training is being conducted, planning, running, evaluating and debriefing the training scenario. Additional duties include;

In charge and responsible for the entire training process

Determining and reaching training objectives

Develop a lesson (operations) plan

Present-evaluate-document training

Time and personnel management

Insures all training weapons and equipment are cleaned and properly secured for the next training session.

**SAFETY OFFICER**

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The Safety Officer's sole responsibility is the safety of ALL personnel at the training site. The Safety Officer is generally the senior training officer, but if this is not the case, all personnel must understand the Safety Officer has positional authority over the entire scenario in regards to safety. The Safety Officer is ultimately responsible for safety, but may designate as many Assistant Safety Officers as needed depending on location, weapons maintenance, number of personnel and safety inspections. Although the Safety Officer may designate assistants, the primary Safety Officer will have the ultimate responsibility for safety.

Sole responsibility is the safety of all personnel on scene

Responsible for training area security (pre-scenario safety, scenario safety and post-scenario safety)

Loading-Re-loading of all approved marking cartridges into weapons

Inspection of training area, training weapons and all participants to ensure no lethal weapons or lethal ammunition enter the training area

### SAFE ZONE MONITOR

This individual is designated by the Safety Officer and is responsible for ensuring no individual enters the safe zone with lethal items.

Works for the Safety Officer

Control access/exit points into training area

\*\* All personnel involved in facsimile firearms training scenarios shall ensure no non-converted weapons, lethal ammunition, knives, impact weapons or live chemical agents are brought to the training area.

### 312.14.2 TRAINING ENVIRONMENT

Facsimile firearms training shall be divided into three distinct zones to ensure a safe training environment; Safe Zone, Staging Area and Unsafe Zone.

#### SAFE ZONE

Where safe training takes place

Weapons and approved marking cartridges are issued

Absolutely no entry without a safety inspection

Must be a barrier between safe and staging area

Shall have controlled access point

#### STAGING AREA

Free from marking cartridge projectiles from safe zone

Briefing area, gear storage

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Issuance of protective gear

### UNSAFE ZONE

All live lethal weapons, rounds, chemical agents, electrical discharge devices, knives, batons etc. are stored.

### 312.14.3 SAFETY EQUIPMENT

Anytime facsimile firearms cartridges are being used on human targets (force on force) full face, throat and groin protection shall be MANDATORY.

Provided by Training staff:

- Full face protection
- Throat protection
- Groin protection

Required by all Students/Participants

- Long sleeve shirt
- Long pants
- Closed toe shoes

Optional:

- Soft padded vest-non ballistic
- Gloves
- Upper body pads
- Lower body pads

### 312.14.4 AUTHORIZED WEAPONS HANDGUNS

During facsimile firearms training, the Glock FX handguns will be the primary handgun used for force on force training. These weapons are recognizable by the lower portion of the frame being blue in color.

Conversion kits have been purchased for some handguns allowing officers to train with their duty handgun. Officers who wish to have their duty handguns converted to fire approved marking cartridges may do so, only with the approval of the Safety Officer.

If approved, those officers must turn in their duty handgun (UNLOADED) to the Safety Officer prior to entering the Facsimile Firearms Training Facility. The conversion of the weapon must be conducted by a qualified facsimile firearms instructor at the direction of the Safety Officer. Handgun conversion kits are only available for 1911 Model Handguns.

### RIFLES



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To allow officers to train with their personal rifles, the Department has purchased several conversion kits for the AR-15 Patrol Rifle. Officers who wish to have their personal patrol rifles converted to fire approved marking cartridges may do so, only with approval of the Safety Officer.

If approved, those officers must turn in their personal patrol rifles (UNLOADED) to the Safety Officer prior to entering the Facsimile Firearms Training Facility. The conversion of the weapon must be conducted by a qualified simunitions instructor at the direction of the Safety Officer.

Weapons converted to fire approved marking cartridges will be converted back to live fire weapons only at the end of the training day by a qualified simunitions instructor.

### 312.14.5 DESIGNATED CLEANING STATIONS

Due to safety concerns, the cleaning of any live fire weapons at the designated cleaning stations shall not take place during a facsimile firearms training session.

### 312.14.6 SCHEDULING

All scheduling of the Facsimile Firearms Training Facility must be coordinated and approved through the Facsimile Training Sergeant.

\* If training is conducted off site, the standards set forth in this policy SHALL still apply and be adhered to.

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

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

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances.

#### 314.1.1 VEHICLE PURSUIT DEFINED

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

### 314.2 OFFICER RESPONSIBILITIES

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

#### 314.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

### 314.2.2 WHEN TO TERMINATE A PURSUIT

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

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

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

- (a) Distance between the pursuing officers 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) Pursued vehicle's location is no longer known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) There are hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Pursuit is terminated by a supervisor.

### 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 shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

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

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

### 314.3 PURSUIT UNITS

Pursuit units should be limited to four vehicles (three units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the 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 safe speeds, following the appropriate rules of the road.

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### 314.3.1 MOTORCYCLE OFFICERS

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

### 314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

### 314.3.3 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 it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify the Dispatch Center that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

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

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

### 314.3.4 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

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

### 314.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) 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 caution when proceeding through controlled intersections.
- (c) Officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspects.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their 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.

### 314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Non-pursuing personnel responding to the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. Non-pursuing personnel needed at the termination of the pursuit should respond in an emergency manner advising the dispatch center of such response when feasible.

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

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### 314.3.7 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 necessary information and assistance for the arrest of the suspects.

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

### 314.3.8 AIRCRAFT ASSISTANCE

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

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

## **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

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

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

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

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- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing OPD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

### **314.4.1 WATCH COMMANDER RESPONSIBILITY**

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

The Watch Commander shall review all pertinent reports for content.

### **314.4.2 SUPERVISOR'S POST-PURSUIT CRITIQUE REPORT**

A field supervisor shall promptly complete a post-pursuit critique report/memorandum, briefly summarizing the pursuit and shall include the below information.

- (a) Date and time of pursuit
- (b) Length of pursuit
- (c) Involved units and officers
- (d) Initial reason for pursuit
- (e) Starting and termination points
- (f) Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
- (g) Injuries and/or property damage
- (h) Medical treatment
- (i) Any training issues and/or policy violations
- (j) Name of supervisor at scene

## **314.5 COMMUNICATIONS**

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 communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

### **314.5.1 COMMUNICATION CENTER RESPONSIBILITIES**

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

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



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- (b) Notify and coordinate with other involved or affected agencies as practicable.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.
- (f) Notify the Watch Commander as soon as practicable.

### 314.5.2 LOSS OF PURSUED VEHICLE

(a) When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects.

(b) The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

(c) The Primary Officer should complete all appropriate crime / arrest reports.

(d) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (CHP Form 187A) is filed with the CHP no later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete this form and forward it to the watch commander for review.

### **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

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

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

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

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### 314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit (when approved by a Field Supervisor or Watch Commander) until sufficient units from the initiating agency join the pursuit.

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

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

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

Assistance to a pursuing allied agency by officers of this department will terminate at the 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 shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **314.7 PURSUIT INTERVENTION**

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

#### 314.7.1 WHEN USE IS AUTHORIZED

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

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### 314.7.2 DEFINITIONS

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

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

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

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

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

**Spikes or tack strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

### 314.7.3 USE OF FIREARMS

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

### 314.7.4 INTERVENTION STANDARDS

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

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
  1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

## Vehicle Pursuits

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2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  4. The target vehicle is stopped or traveling at a low speed.
  5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
  3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be

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deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

### **314.7.5 CAPTURE OF SUSPECTS**

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

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

### **314.8 REPORTING REQUIREMENTS**

The following reports should be completed upon conclusion of all pursuits:

- (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, a field supervisor shall promptly notify the Watch Commander. This should minimally contain the following information:
  1. Date and time of pursuit
  2. Length of pursuit
  3. Involved units and officers
  4. Initial reason for pursuit
  5. Starting and termination points
  6. Disposition (arrest, citation), including arrestee information if applicable
  7. Injuries and/or property damage
  8. Medical treatment
  9. Name of supervisor at scene
  10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

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

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

### **314.8.2 POLICY REVIEW**

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. 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.

## 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.

### 316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

- The unit call sign
- 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 the Dispatch Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Dispatch Center shall be

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notified. The Watch Commander or field supervisor can also make a determination as to whether one or more officers driving Code-3 is appropriate.

### **316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

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

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

Upon receiving authorization or determining a Code-3 response is appropriate, an officer should, as soon as practicable, 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. 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



## *Officer Response to Calls*

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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 the Dispatch Center 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 GUIDELINES FOR THE USE OF SPECIAL OPERATIONS CANINES

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

- (a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- (d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.
- (e) An e-collar shall be utilized at all times while on duty for patrol dogs.

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

#### 318.2.1 PREPARATION FOR UTILIZING A SPECIAL OPERATIONS CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the police dog is not utilized.

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- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision whether to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

### 318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

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

### 318.2.3 USE OF NARCOTIC-DETECTION CANINES

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

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles deemed necessary.

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

### 318.2.4 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the injuries documented in an ARS police report. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the Canine Unit Supervisor. Unintended bites or injuries caused by the canine should be documented in an administrative report.

### 318.2.5 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Canine Supervisor.

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Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented in the Kanine Visual Pro software program and/or a memorandum.

### 318.2.6 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Special Operations Bureau to supplement and assist the Field Operations Bureau, Special Operations and Airport Operations.

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

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander. The Canine Unit Supervisor shall be notified if a canine team has been reassigned from their normal duties.

### 318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for an on-duty canine team from outside of the Field Operations Bureau shall go through the Canine Supervisor or the Watch Commander. All requests to call in a canine team who is off-duty shall go through the Canine Supervisor or Watch Commander.

#### 318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Watch Commander or the Canine Supervisor must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used beyond the boundaries of the City of Ontario Police Department to perform any assignment which is not consistent with this policy.
- (b) Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment.
- (c) Canine teams shall not be called out while off duty or used outside the boundaries of the City of Ontario Police Department unless authorized by the Watch Commander or the Canine Supervisor.
- (d) A supervisor shall respond with the canine team on all AOJ's. If it is determined a search by the canine team will be conducted to assist the outside agency, when possible, a minimum of four(4) Ontario P.D. officers should respond to assist the canine team. (Not applicable for narcotics or explosive detection searches)

#### 318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Supervisor prior to making any commitment.

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

### **318.4 CANINE SUPERVISOR**

The Canine Supervisor shall be appointed by and directly responsible to the Special Operations Bureau Commander or the authorized designee.

The responsibilities of the Canine Supervisor include, but are not limited to:

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

### **318.5 APPREHENSION GUIDELINES**

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

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the canine unit supervisor. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine

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use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect as soon as reasonably safe, given the totality of the circumstances known at the time of the apprehension.

### **318.5.1 NON-EMERGENCY MEDICAL CARE**

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

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

All records of medical treatment shall be maintained in the canine's yearly log book.

### **318.5.2 EMERGENCY MEDICAL CARE**

The handler shall notify the Canine Supervisor as soon as practicable when emergency medical care for the canine is required.

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

## **318.6 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the current POST guidelines or other recognized and approved certification standards.

The Canine Supervisor shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

### **318.6.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to current POST guidelines or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.

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- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Supervisor.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Ontario Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Supervisor.

### 318.6.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine guideline certification shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### 318.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

### 318.7 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/office] 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.

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- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Ontario Police Department facility.
- (e) Handlers shall permit the Canine Supervisor 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 Supervisor 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 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 Supervisor.
- (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 Supervisor.
- (k) Whenever a canine handler anticipates taking a vacation or an extended number of days off where the handler is away from his/her residence for more than 24 hours, the canine will be housed at a facility approved by the Canine Supervisor.

### 318.7.1 PROCEDURES

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

- (a) All necessary controlled substance training samples shall be acquired from the San Bernardino County Sheriff Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this department;
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested in accordance with San Bernardino County Sheriff policy. The results of the testing shall be recorded and maintained by the Canine Supervisor with a copy forwarded to the dispensing agency.



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- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Unit Supervisor 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 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.

### 318.7.2 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

### 318.7.3 AVAILABILITY

All handlers shall maintain current contact information with the department, watch commander, and canine supervisor consistent with Department policy.

### 318.7.4 CANINE IN PUBLIC AREAS

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

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

### 318.7.5 HANDLER COMPENSATION

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

## 318.8 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosive detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 18800). Explosive training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

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- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids held by the Canine Unit.
- (c) The Canine Supervisor shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the Canine Unit shall have access to the explosives training aid 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 second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aid shall be promptly reported to the Unit Supervisor in writing 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).

### **318.9 CANINE RETIREMENT PROCEDURE**

#### Identification of Retirement Age.

- (a) When a Police Service Dog is not able to meet minimum performance standards due to age, injuries or overall health issues, it's fitness for duty should be determined by input from the Police Service Dog's Canine Handler and the Canine Unit Supervisor.
- (b) Upon receiving a recommendation for retirement of a Police Service Dog, the Canine Unit Supervisor will evaluate the information provided and make a retirement recommendation. If the Police Service Dog is to be retired, the Canine Unit Supervisor will document the facts used to make that decision in a memorandum via chain of command to the Chief of Police.

When it becomes necessary to retire a Police Service Dog from active service, the following guidelines should be followed:

- (a) The Police Service Dog can be deemed surplus city equipment. The ownership of the Police Service Dog may be transferred to the last Canine Handler, provided he/she wishes to keep the dog.
- (b) Should the last Canine Handler decline to accept the dog, the offer of transfer will then be presented to the previous Police Service Dog Canine Handler or another Police Service Dog Canine Handler with the approval of the Canine Unit Supervisor.

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- (c) Should no Canine Handler elect to accept the Police Service Dog, the Canine Unit Supervisor shall determine the appropriate disposition of the dog.
- (d) The Chief of Police and the officer taking possession of the retired Police Service Dog must execute a contract releasing the City of Ontario, its elected officials, its employees and its agents of all liability. The Canine Unit Supervisor will initiate this process immediately following the decision to retire the Police Service Dog.
- (e) All equipment (including the kennel) issued for the use of the Police Service Dog will be inventoried by a Canine Unit Supervisor and returned to the Police Department within a reasonable amount of time.

### **318.10 REPORTING PROCEDURE FOR CANINE APPREHENSION**

Incident Commander:

One supervisor on-scene will be designated as the Incident Commander. This typically will be the first supervisor to arrive, and one who has taken an active role in the operation. The Incident Commander will be in charge, and is responsible for setting the course of the operation. The duties of the Incident Commander will be to coordinate with the K-9 handler on how they will proceed. Tasks such as setting a perimeter, determining a crime, establishing a command post, forming search teams, and indicating the mission will be priorities.

At the completion of the incident where a Police Service Dog (PSD) apprehension has occurred, it is the responsibility of the Incident Commander and/or the canine handler to assure that the suspect receives immediate medical attention. Fire Department or paramedics should be requested for treatment and if necessary, the suspect will be transported by ambulance to the hospital. If Fire department or paramedic personnel determine that it is not necessary to transport by ambulance, then an officer will be assigned to transport the suspect to the hospital for treatment.

The Incident Commander, or his/her designee, will be responsible to coordinate a neighborhood canvass. This neighborhood canvass will include detailed statements from potential witnesses. Included in this report will be the names, addresses and phone numbers of people contacted. This should not be taken lightly, and those assigned to complete this task should be reminded of its importance. Attention to detail should be emphasized. All statements shall be recorded.

The on-duty Watch Commander will be briefed on what occurred by the Incident Commander, and if any issues were observed. If it is determined that the injury to the suspect is life-threatening, or so severe where hospitalization is needed, the Watch Commander will notify the on-call Administrator to discuss the potential need to activate the on-call City Attorney along with the on-call AIT Investigator.

If an accidental bite occurs during the arrest of a suspect, the Incident Commander will be notified, who will in turn notify the Watch Commander. The Watch Commander will make the determination if the on-call AIT investigator will be activated.

## Canines

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At the completion of all cases where the use of a PSD resulted in a bite, the Incident Commander will complete a supplemental report outlining what occurred, and the facts that led to the use of the PSD. Facts related to the actual deployment of the canine should be left to the handler to document.

All reports will be completed in accordance with department policy, and will be directed to the Incident Commander for approval. If the Incident Commander is unable to review all the reports, his/her Lieutenant will be notified, and someone familiar with the case will be assigned to review and approve all the reports.

### Police Service Dog Handler:

It is the responsibility of the PSD handler to coordinate with the Incident Commander on how the operation will proceed. He/She will assist setting a perimeter, and determine what crime has occurred. He/She should then discuss with the Incident Commander if use of the PSD is within policy.

If an apprehension occurs, the PSD handler will complete one ARS report outlining the incident in detail. This will be a supplemental to the criminal report. Included in this report will be a summary of the recorded suspect statement, if obtained. a series of questions pertaining to the apprehension should be asked.

In addition to the ARS supplemental report, the following contents shall be submitted as part of the apprehension investigation:

- Roster
- CAD Printout
- E-log
- Suspect Information/Criminal History
- Crime Scene Photographs
- Suspect Photographs (injury and overall)
- Related Police reports
- Related Department policies
- Medical Treatment information
- DDA Filing Paperwork
- CD's of radio traffic, MDC Messages, Photographs, Medical Transcripts

If the Canine supplement is not vital to the filing of charges, it should be reviewed and approved by the Canine Supervisor. This may require several days to complete, with the approval of the K-9 Supervisor. An exception to the policy manual should be allowed in this case.

## *Canines*

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If an accidental bite occurs on a party not involved in the criminal case, a separate incident report will be generated by the K-9 handler, outlining what occurred. The on-duty Sergeant will be notified, who in turn will notify the Watch Commander. The Watch Commander, pursuant to the policy manual, will make the determination if the AIT will be activated. All accidental bite reports will be reviewed by the Canine Supervisor along with the for potential training issues. A copy of the report, along with the findings will be forward to the Bureau Commander.

In those cases where a juvenile is bitten, the Watch Commander will notify the on-call Administrator, and will evaluate the need for AIT on a case-by-case basis.

### Involved Officers:

All officers on-scene will do a supplemental report detailing their actions on the call, no matter how insignificant they may feel their involvement was. This report will be forward to the Incident Commander for approval.

### Canine Unit Supervisor:

The K-9 Supervisor will review all reports where a PSD apprehension or accidental bite has occurred. He/She will evaluate to make sure all the necessary items have been covered in the report. If he/she has determined there are items not included in the report that he/she feels would be necessary in a civil case, he/she will complete those items in a brief memo. This memo should include a very brief summary of what occurred, i.e., "Canine apprehension occurred of robbery suspect that fled from officers, and attempted to hide in a detached garage. The suspect sustained minor injury to his left forearm." The Canine Supervisor will then brief the incident to his/her Captain, and submit the report with a brief memo. Any issues will be evaluated and a copy of the report will be submitted to Bureau Commander, who will then turn the report over to Risk Management for retention.

## 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 Ontario 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.

## *Domestic Violence*

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.
  - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

## *Domestic Violence*

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### **320.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

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

### **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.

### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the [department/office]'s domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

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



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### **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 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.

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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 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

#### **320.9.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

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

## *Domestic Violence*

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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).

### 320.9.2 COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).
- (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). Officers should inquire as to firearms owned by the arrestee. They should run the arrestee through AFS for firearms owned. Officers should attempt to secure the firearm. If a firearm is seized follow the evidence guidelines for booking the weapon into safekeeping. Officers must seek consent to search for a firearm, otherwise they will need a warrant or exigent circumstances if the firearm is not in plain view.
- (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 him/her 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).

### 320.9.3 PUBLIC ACCESS TO POLICY

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

## *Domestic Violence*

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### 320.9.4 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm 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)(2)).

### 320.9.5 RECORD-KEEPING AND DATA COLLECTION

This [department/office] 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/Office], 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 Administrative Officer to maintain and report this information as required.

### 320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

## 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 Ontario Police Department personnel to consider when dealing with search and seizure issues.

### 322.2 POLICY

It is the policy of the Ontario 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.

## *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.

### **322.5 DOCUMENTATION**

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

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

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

## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Ontario Police Department (34 USC § 11133).

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

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

## *Temporary Custody of Juveniles*

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

### **324.2 POLICY**

The Ontario Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Ontario Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **324.3 JUVENILES WHO SHALL NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Ontario Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).



## *Temporary Custody of Juveniles*

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These juveniles should not be held at the Ontario Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed (15 CCR 1142).

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

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

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

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

## **324.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Ontario Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Ontario Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Ontario Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

### **324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Ontario Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

## *Temporary Custody of Juveniles*

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### 324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

### 324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Ontario Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the [Department/Office].
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

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

### 324.5 ADVISEMENTS

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

## *Temporary Custody of Juveniles*

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Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

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

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

### **324.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the [Department/Office], the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Ontario Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

### **324.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the [Department/Office] (34 USC § 11133; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

## *Temporary Custody of Juveniles*

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In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Ontario Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

### **324.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Ontario Police Department shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Ontario Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Ontario Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
  - 1. The jail personnel should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

## *Temporary Custody of Juveniles*

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- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

### **324.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Ontario Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

### **324.10 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Ontario Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Ontario Police Department.

### **324.11 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

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

- (a) Age, maturity and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior

## *Temporary Custody of Juveniles*

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- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type and number of other individuals in custody at the facility

Members of this [department/office] shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

### 324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to [department/office] members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).

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- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

### **324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Ontario Police Department (15 CCR 1142; 15 CCR 1047). Officers shall

- (a) Immediately request for emergency medical assistance if appropriate
- (b) Immediately notify the Watch Commander
- (c) Preserve Evidence
- (d) Ensure notification of the court, the parent, guardian or person standing in loco parentis, of the juvenile

The Watch Commander shall notify the Patrol Captain or, if after hours, the on-call Administrative Officer, A.I.T., Detectives and the Jail Facility Manager shall also be notified to respond as well.

The Investigations Bureau Commander, or designee, will oversee the investigation and will ensure that all necessary agencies and persons have been notified in accordance with the law including notification to the Attorney General and the BSCC within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code 12525).

For any in-custody death or actual suicide attempt, a review shall occur within 30 days. The review team shall include the Facility Administrator, the Facility Manager, the Health Administrator, the responsible physician and other and other health care and supervision staff who are relevant to the incident. Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study (15 CCR 1046).

The Board of State and Community Corrections may, within 30 calendar days, inspect and evaluate the temporary holding facility. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations (15 CCR 1046).

### **324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.

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- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

### 324.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

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

### **324.14 FORMAL BOOKING**

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

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



## *Temporary Custody of Juveniles*

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For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Investigations Division supervisor, giving due consideration to the following:

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

### **324.15 RELEASE OF INFORMATION CONCERNING JUVENILES**

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Ontario Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Administrative Officer and the appropriate Investigations Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

### **324.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Field Operations Bureau Commander shall coordinate the procedures related to the custody of juveniles held at the Ontario Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

### **324.17 RELIGIOUS ACCOMMODATION**

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

## Adult Abuse

### 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 Ontario Police Department members as required by law.

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**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).

**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 § 15610.07; Penal Code § 368.5).

### 326.2 POLICY

The Ontario Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

### 326.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of 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 adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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- (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) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).
- (k) 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 adult abuse and investigated similarly. [See attachment: 18-06 \(Child-Elder Abuse Reporting Procedures\).pdf](#) ; [See attachment: Report of Suspected Adult - Elder Abuse.pdf](#)

### **326.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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### **326.5 MANDATORY NOTIFICATION**

Members of the Ontario Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

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

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
  - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  - 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
  - 4. When a report of abuse is received by the [Department/Office], the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

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- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
  - 1. When a report of abuse is received by the [Department/Office], investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the [Department/Office] receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations Division supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

### 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 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/office] should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **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)).

### **326.7 INTERVIEWS**

#### **326.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected 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.

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### **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.

### **326.8 MEDICAL EXAMINATIONS**

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

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

### **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 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 adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

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

#### **326.9.2 SUPERVISOR RESPONSIBILITIES**

The Investigations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult

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abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- (b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an 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 TRAINING**

The [Department/Office] should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

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

### **326.11 RECORDS BUREAU RESPONSIBILITIES**

The Records Division is responsible for:

- (a) Providing a copy of the 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 adult abuse report with the initial case file.

### **326.12 JURISDICTION**

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

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

### **326.13 RELEVANT STATUTES**

#### **Penal Code § 368 (c)**



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

### **Penal Code § 368 (f)**

(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.

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

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

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

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

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

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

- (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.

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(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, “representative” means a person or entity that is either of the following:

- (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.
- (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

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

(a) “Isolation” means any of the following:

- (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
- (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
- (3) False imprisonment, as defined in Section 236 of the Penal Code.
- (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a 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:

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- (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. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
- (3) Failure to protect from health and safety hazards.
- (4) Failure to prevent malnutrition or dehydration.
- (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

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

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.
  - (3) Rape in concert, as described in Section 264.1 of the Penal Code.
  - (4) Spousal rape, as defined in Section 262 of the Penal Code.
  - (5) Incest, as defined in Section 285 of the Penal Code.
  - (6) Sodomy, as defined in Section 286 of the Penal Code.
  - (7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
  - (8) Sexual penetration, as defined in Section 289 of the Penal Code.
  - (9) 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.

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- (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
- (3) For any purpose not authorized by the physician and surgeon.

## Discriminatory Harassment

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent [department/office] 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 Ontario 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/Office] will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The [Department/Office] 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/Office] 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/Office] prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the 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 other classifications 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, 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/office] equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to [department/office] policy and to a work environment that is free of discrimination.

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### 328.3.2 SEXUAL HARASSMENT

The [Department/Office] 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 Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or [department/office] 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 he/she 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/office] personnel. All members shall follow the intent of these guidelines in a manner that reflects [department/office] policy, professional law enforcement standards and the best interest of the [Department/Office] 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 his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director or the City Manager.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, 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 each supervisor and manager 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 Human Resources 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

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

- (a) Behavior of supervisors and managers should represent the values of the [Department/Office] and professional law enforcement 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 Human

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Resources Director, the City Manager, or the California Department of Fair Employment and Housing (DFEH) 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 any continuing abusive or hostile work environment. It is the policy of the [Department/Office] that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

#### **328.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her 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 process described above, 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 any 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, Human Resources 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/Office]. Members who believe that they have been harassed, discriminated 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.



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### **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:

- Approved by the Chief of Police, the City Manager or the Human Resources Director if more appropriate
- Maintained for the period established in the department's records retention schedule

### **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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the [Department/Office].

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 Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (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 DFEH online training courses, the Training Sergeant should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

#### **328.7.2 TRAINING RECORDS**

The Training Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

### **328.8 WORKING CONDITIONS**

The Administrative Services Bureau 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/Office] 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 Ontario 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 Ontario 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. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);

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neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

### **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.

[See attachment: SS 8572 Suspected Child Abuse Form.pdf](#)

### **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.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.

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- (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). [See attachment: 18-06 \(Child-Elder Abuse Reporting Procedures\).pdf](#) ; [See attachment: Suspected Child Abuse Report Form.pdf](#)

### **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).

### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her 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 his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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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, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

### 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.

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### 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.

### 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

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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 Investigations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

#### **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 Investigations Division supervisor so an interagency response can begin.

### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:



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### 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 ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal 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 Investigations Division 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).

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

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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

**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.

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

### 332.2 POLICY

The Ontario 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 Ontario 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 Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form

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- 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 for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under 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 his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for 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 Division.
- (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 DIVISION RESPONSIBILITIES**

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

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- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigations Division.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### **332.7 INVESTIGATIONS DIVISION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the [Medical Examiner/JOP].
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

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- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

### **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 Administrative Officer 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**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **332.9 CASE CLOSURE**

The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Ontario Police Department 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.

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- (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.

### **332.10 TRAINING**

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.



## 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 EMPLOYEE RESPONSIBILITIES

Employees of the Ontario Police Department should notify their supervisor, Watch Commander or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 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 Bureau Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau 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.

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### 334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (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 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:

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1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

### **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.
- (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 Public Information Officer or other authorized individual to handle media liaison
  6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

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- (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.
- (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 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

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- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Ontario Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.

### **334.8 YELLOW ALERTS**

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

#### **334.8.1 CRITERIA FOR YELLOW ALERTS**

All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- (b) It is likely the suspect may be seen on a state highway.
- (c) There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
  - 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
  - 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
  - 3. The identity of the suspect
- (d) Public assistance can mitigate danger to the public or quicken the apprehension of the 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).

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## 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 Ontario Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Ontario 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 VICTIM LIAISON

The Chief of Police shall appoint a member of the [Department/Office] to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Ontario Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with his/her contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
  1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Ontario Police Department jurisdiction (Penal Code § 680.2).

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### **336.4 CRIME VICTIMS**

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written [department/office] material or available victim resources.

#### **336.4.1 VICTIMS OF HUMAN TRAFFICKING**

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

### **336.5 VICTIM INFORMATION**

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U Visa and T Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number and any applicable case or incident number.

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- (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).

### **336.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.



## Hate Crimes

### 338.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this [department/office] with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 338.1.1 DEFINITIONS

**Hate crimes** - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
  1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
  2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
  3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
  4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

**Victim** - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

### 338.2 POLICY

The Ontario Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

## *Hate Crimes*

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### **338.3 PREVENTION AND PREPARATION**

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 forming 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 (Serious bodily injury or death; arson or explosives involved). [See attachment: 338 - AG-Rapid-Response-Team-Protocol-PDF.pdf](#)
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (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.

### **338.4 INVESTIGATIONS**

Whenever any member of this [department/office] 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.
- (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 upon 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 a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
  2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

## *Hate Crimes*

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- (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. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (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).

### 338.4.1 INVESTIGATIONS DIVISION RESPONSIBILITY

If a hate crime case is assigned to the Investigations Division, 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 Division Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).
- (f) Provide the supervisor and the Public 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.

### 338.4.2 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.

## *Hate Crimes*

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- (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).

### **338.5 TRAINING**

All members of this [department/office] 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.

## Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its 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 member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

### 340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

### 340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

#### 340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused, unauthorized, or excessive absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.
- (e) Failure to maintain a telephone at their residence, whether cellular or landline.
- (f) Failure to be immediately and readily available to the public during duty hours, unless contrary to assigned duties. When members are on an assignment "on-call" status, a less than two (2) hour response time is required.

## Conduct

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### 340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another. Failure to be courteous and respectful to all members.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property, equipment, supplies and facilities or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy. (Penal Code § 146g).
- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
- (n) While in the line of duty, either directly or indirectly, recommend employment of any person as attorney or counsel or any bondsman to any prisoner or suspect.

## Conduct

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- (o) Using their position with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the officer.
- (p) Entering into civil dispute while performing official police duties and failing attempt to prevent or abate a breach of the peace or crime in all such cases.
- (q) Accepting or agreeing to accept, anything for personal injury incurred in the line of duty.
- (r) Attempting to coerce or intimidate any other employee regarding their membership in any labor union or employee organization.
- (s) Utilizing any business or personal card or other form of communication or encription thereon any message in which purports to grant the bearer any special priveledges not enjoyed by all citizens.
- (t) Duplicating any departmental key, providing access codes, or lending or furnishing any departmental key or code to any person not employed by the department without the express permission of the Chief of Police or his/her designee.
- (u) Permitting the use of member photographs or names for advertising purposes; or by testimonial, recommendation or by other means for the purpose of participating in any advertising scheme or enterprise related to or based upon their employment with the Department, without the approval of the Chief of Police.
- (v) Shopping while in uniform while on or off duty without permission from a supervisor. Conducting personal business while on duty without the specific approval of their immediate supervisor.
- (w) Failure to arrange personal financial affairs so that creditors and collection agencies will not make use of the City Manager or Police Department for the purpose of making collections.
- (x) Incurring financial liability chargeable against the Department or the City, except with the knowledge and consent of the Chief of Police. Emergency situations shall be cleared by an immediate supervisor.
- (y) Unauthorized communication of information provided to them or accessible to them as a result of their status as a member of the police department to those not authorized to receive such information. All members shall treat as confidential all business of the Department about which they have knowledge. They shall discuss official business only; (1) with those for whom it is intended or concerns, (2) those authorized by a superior, (3) or as required by due process of law.
- (z) Unauthorized release or removal of any written or electronic communication, unless otherwise specified, related to police matters or copying of an official document from any police facility unless it is during his/her official duty. Electronic communication is defined as any items capable of being electronically transmitted or stored. Examples

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include, but are not limited to; email, mobile data computer transmissions, voicemails, faxes, cellular phones, text messaging devices, pagers and radio transmissions.

- (aa) Failure to promptly submit reports is required by the performance of their duties. Refer to section 344.1.1 Report Preparation.
- (ab) Marking, altering or defacing any printed or written notices related to police, city, or personal business.
- (ac) Failure to know and carry out the provisions of departmental orders, directives, special manuals and handbooks. Members shall acquaint themselves daily when on duty and immediately upon returning to work after days off or other absence, with any information pertinent to the operation of the Department.
- (ad) Failure to remain completely impartial to all persons coming to the attention of the Department while charged with the enforcement of the law.
- (ae) Unnecessary interference with the lawful business of any person, while conducting Department matters.
- (af) Loitering in any place except for the purpose of transacting police business or to take regular meal breaks as provided for in Department Orders. Officers shall not loiter in the Police Department.
- (ag) While off-duty, failure to report for duty in an emergency upon official notice or comply with the instructions given at the time of the notification. In the event of an anticipated unusual occurrence, the Chief of Police or his/her designee may place the Department on "standby" status. In this event, each off-duty officer shall make himself/herself available for duty and shall notify the Watch Commander or his/her designee as to how he/she can be immediately contacted for duty.
- (ah) While on duty or purporting to act in an official capacity, collect or receive any money or other thing of value, circulate subscription papers, sell tickets of any kind or collect money from any person for any purpose without the express and individual permission of the Chief of Police. This shall not apply to the voluntary and occasional sale/purchase of items to/from members within the confines of the Department.
- (ai) Unauthorized use of Department stationary for purposes other than official Department business without the permission of the Chief of Police.
- (aj) Failure to report a personal injury sustained while in the performance of duty to the Chief of Police via chain of command immediately or as soon as possible. If the employee is unable to do so, it shall be the responsibility of the employee's supervisor to forward such information. The supervisor will fill out the required forms in a timely manner and prepare a comprehensive written report directed to the Chief of Police outlining the circumstances of the injury.



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- (ak) Referring citizens directly to the Mayor, Members of the City Council, or City Manager on police related issues or functions.
- (al) Contacting the Mayor, Members of the City Council, or City Manager on a problem with the intent to disrupt the operation or general welfare of the Department except through established City and/or State procedures or by permission of the Chief of Police. Any member of the Department contacted by the Mayor, Members of the City Council, or City Manager which substantially effects the operation or general welfare of the Department, shall immediately notify the Chief of Police via the member's supervisor of the incident and all details involved.
- (am) Seeking the influence or intervention of any person outside the Department for the purpose of personal preferment, advantage, transfer or advancement.

### 340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

### 340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

### 340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

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- (c) Unsatisfactory work performance, including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in position of authority. Examples include, but not limited too: Disrespectful, mutinous, insolent, or abusive language toward a supervising member.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted). Any unauthorized gratuity, reward, or other thing falling into any of these categories, coming into the possession of any member or employee, shall be forwarded to the office of the Chief of Police, together with a report explaining the circumstances connected therewith.
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees.

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- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of departmental property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off duty.
- (p) Failure to disclose, or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures. Including the proper execution of assigned duties, the prevention of crime, the suppression of criminality, and the enforcement of laws.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on department premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order,

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efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position. Examples include, but are not limited too: Failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absences from the beat during a tour of duty; failure to perform to the Department operating procedures and practices.
- (ac) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (ad) Incapable of satisfactory physical or mental performance or lack of sufficient initiative to properly perform assigned duties.
- (ae) Failure to immediately report to a supervisor whenever they observe that a fellow officer is unable to perform their duties.
- (af) Failure to provide proper security for the personal property in the possession of an arrested person or under his/her control at the time of the arrest.
- (ag) Failure to take all necessary precautions during the arrest and detention of prisoners to prevent escape, prevent the carrying of weapons on the person, or injury to themselves or any other person, or damage to property. Prisoners shall be kept securely and treated humanely and shall not be subjected to unnecessary restraint.
- (ah) Failure to maintain proper public relations.
- (ai) Failure to promptly report through channels, developments that may unusually affect public or official relations.
- (aj) Failure to appear at court or quasi-judicial hearings as required by subpoena. Or failure to cooperate fully with the judicial process.
- (ak) Failure to report conflicts, violations or inconsistencies observed.
- (al) Failure to take appropriate police action toward aiding a fellow officer/member exposed to danger or in a situation where danger might be impending.
- (am) Failure to accord respect to his/her commander, superior, supervisor, or officer/member in charge at all times. Unreasonable criticism or derogatory comments on orders received from or issued by him/her.
- (an) Failure to be truthful all times, whether under oath or not. No officer/member shall make a false or misleading official report.

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### 340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.

### 340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.
- (b) Interfering with the proper administration of criminal justice. Attempt to, or interrupting the legal process, except where a manifest injustice might otherwise occur, or participating in any activity, which might interfere with the process of law, or having knowledge of such action and failing to report the facts or information to a supervisor.
- (c) Withholding facts or information relative to a criminal offense, criminal conduct, or case.

### 340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.
- (d) Failure of a supervisor to provide leadership in carrying out police/unit activities.
- (e) Failure of a supervisor to investigate any complaints of misconduct or work performance.

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- (f) Failure to perform detailed inspections of all activities of employees under his/her supervision.
- (g) Failure to have knowledge of the duties and responsibilities of his/her subordinates.
- (h) Failure to provide functional supervision of employees not being directly supervised.
- (i) Failure to provide detailed training on the job as necessary to ensure efficient operations by subordinate.
- (j) Failure to effectively operate his/her unit.
- (k) Failure to provide command to members to his/her division as necessary in the absence of divisional command or a ranking officer.

### 340.3.9 COMMANDING OFFICER RESPONSIBILITIES

- a. Failure to provide direction and control of personnel under his/her command.
- b. Failure to maintain discipline among members of his/her command.
- c. Failure to ensure proper performance of duties and adherence to policies and procedures by each member of his/her command.
- d. Failure to enforce rules and regulations among members of his/her command.
- e. Failure to provide supervision and command to members of other divisions as necessary in the absence of divisional command.
- f. Failure in the discharge of detailed divisional responsibilities.
- g. Failure to maintain the proper condition of facilities and resources assigned to his/her division.
- h. Failure to ensure proper maintenance, use and operation of equipment, supplies and materials assigned for division use.
- i. Failure to promptly initiate of employee, supervisory, or administrative action when necessary to fulfill a functional responsibility of the Department or division when such action is not otherwise being taken.
- j. Failure to effectively operate his/her division or unit.
- k. Failure to provide continuation of command and/or supervision in his/her absence.
- l. Failure to prepare correspondence pertaining to activities of his/her division.

### 340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

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### 340.4.1 WRITTEN REPRIMANDS

An employee may be given a written reprimand to document a specific incident of misconduct or work performance and notify the employee that any subsequent misconduct or work performance may result in more serious disciplinary action. A written reprimand can only be issued by a Bureau Commander or his/her designee.

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Bureau Commander within ten days of receipt of the written reprimand. The Bureau Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

### 340.5 POST INVESTIGATION PROCEDURES

#### 340.5.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Chief of Police, the Bureau Commander may return the entire investigation to the assigned supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Chief of Police, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

#### 340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (*Skelly*) notice of the following information within one year of the date of the discovery

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of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the *Skelly* notice.
  - 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
  - 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

### **340.6 EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This *Skelly* response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided



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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.

### **340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

### **340.8 POST SKELLY PROCEDURE**

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

During any post-Skelly 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 penalty. (Government Code § 3305.5).

### **340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (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

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should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.

- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

## Report Preparation

### 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 344.1.1 REPORT PREPARATION

It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

The following reports shall be completed by the end of shift, unless otherwise approved by a supervisor:

- Any use of force
- All felony in-custody reports
- Suspect known in felony cases
- Completion of Stop and Holds
- Injury traffic collisions
- All GTA's, impounds, storages
- Missing person reports
- All juvenile in-custody reports

No reports shall be held over the employee's weekend. All reports shall be completed at the conclusion of his/her work week. This includes corrections to any report or traffic collision report in which the employee was notified prior to the conclusion of his/her work week.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the officer will be required by the supervisor to promptly correct the report. Officers who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

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### 344.1.2 GTA REPORTS

No member of this Department shall take a GTA report over the phone without prior authorization by a supervisor. In the rare circumstance that a phone report is approved, it shall be assigned to a sworn officer. It is the responsibility of that officer to ensure the report contains all the necessary and factual information that identifies the reporting party as the registered/legal owner. The officer shall also take any necessary steps to obtain a signed CHP 180 or document that validates his/her information. Some examples of this include obtaining a FAX copy of the reporting parties CDL and/or registration papers; written document via email; or other similar documents identifying themselves as being or having legal ownership.

### **344.2 REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

#### 344.2.1 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
  - 3. Child Abuse Policy
  - 4. Adult Abuse 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).

#### 344.2.2 NON-CRIMINAL ACTIVITY

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

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy)

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- (b) Any firearm discharge (see the Firearms and Qualification Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (d) Any found property or found evidence
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

### 344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

### 344.2.4 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.

### 344.2.5 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.

## *Report Preparation*

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- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### **344.2.6 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 Division shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

### **344.2.7 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.
- (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).

### **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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All employees shall check their work email and log into ARS and Crossroads daily, unless otherwise approved by a supervisor, to verify there are no pending report corrections.

For the purposes of this section, the term "daily", means during an officer's regularly scheduled work shift.

### **344.3.1 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 departmental consistency.

### **344.3.2 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.

## **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. Supervisors shall also review the UCR California/UCR Reports folder in use of force incidents for content and accuracy. If a correction is necessary, the reviewing supervisor should unapprove the report in ARS stating the reasons for rejection in the notes section. The original report and the correction notification should be routed to the reporting employee for correction as soon as practical through ARS. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

Additionally, any collision report that has been returned to the initiating employee shall be corrected and resubmitted by the end of the employees next workday.

## **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division 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 Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

## **344.6 ELECTRONIC SIGNATURES**

The Ontario Police Department has established an electronic signature procedure for use by all employees of the Ontario Police Department. The Investigations Bureau Captain or his/her designee shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.

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- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.



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## Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

#### 346.1.1 PROCEDURE

Watch Commanders should call-out a P.I.O. if there is media interest or a likely potential for media interest for the following incidents

- A. Officer involved shootings, accidents or incidents that are newsworthy
- B. Homicide investigations.
- C. Major gang violence.
- D. Traffic accidents requiring a traffic investigator.
- E. S.W.A.T. call-outs.
- F. Major narcotic search warrants, arrests or seizures.
- G. Plane crashes and other major disasters, i.e. earthquakes, chemical spills, gas leaks, etc.
- H. Major A.O.J. incidents requiring inter-city coordination.
- I. Any incident which may generate an extraordinary or news media interest that may effect the public perception of the Department or the Department's ability to operate positively with the community.

#### 346.1.2 CALL-OUTS

##### PIO CALL-OUT GENERAL GUIDELINES

- a. No longer will a PIO be requested at a scene for an incident, in which there is no immediate urgency. The media, including stringers, will need to be simply told there is no PIO available and will have to wait for the following morning for contact.
- b. The PIO call-out protocol should only be used for high-profile critical incidents, in which there is an immediate response by multiple media outlets.
- c. If there is any doubt as to whether a PIO should or should not be requested to respond to an incident after-hours, please contact a PIO sergeant.
- d. The supervisor assigned to Watch Commander duty will have the responsibility of determining if there is a PIO on-duty available to handle the critical incident. The supervisor can determine this by checking the PIO list, contained inside the W/C's office. The list contains the work schedules for all department PIOs.

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- e. If a PIO is found to be working, he/she should be contacted to see if he/she is available to handle the media needs for the specified critical incident.
- f. Supervisors should consider that just because a PIO is working, does not necessarily mean that person is readily available. Please realize that depending on the severity of the incident, PIO duties at times become overwhelming. Press releases, media requests, on-camera interviews, and follow-up phone calls consume several hours of work.
- g. Supervisors must realize if an employee under their direct supervision has been designated to handle the PIO duties on a critical incident, they will forgo their regular work duties for that time.
- h. If a PIO is needed, and there are no PIOs on duty, the Watch Commander can refer to the weekly On-Call PIO list (located in the Watch Commanders office) to determine which PIO should be called out.
- i. There are times when a phone call to a media representative is sufficient to handle the need for the PIO. It will be up to the on-call PIO to discuss this aspect of the call-out with the Watch Commander to determine what the appropriate response to the media need will be. In all cases, the Watch Commander will have the final decision making ability as to whether a PIO shall respond to the scene as a call-out or handle the media need via telephone.
- j. **PLEASE DO NOT GIVE OUT PIO CELL PHONE NUMBERS TO MEMBERS OF THE MEDIA.** The Watch Commander and/or dispatch should take a message from the media representative and advise them a PIO will call them back. The message should then be forwarded to the first available PIO working the following day.
- k. A PIO supervisor can place a PIO on "on-call" status if circumstances necessitate.

### 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 346.2.1 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.

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- (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.

### 346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
  2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### 346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution

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of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

### **346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (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's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

#### **346.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When

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in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy 1026)
  - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
- (c) Criminal history information
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (e) Information pertaining to pending litigation involving this department
- (f) Information obtained in confidence
- (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

## Subpoenas and Court Appearances

### 348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

#### 348.1.1 DEFINITIONS

**Standby** - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**On-Call** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Must Appear** - Subpoenas marked as must appear require an employee's physical appearance in the specified court.

### 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas.

#### 348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department. All subpoenas received electronically by the subpoena clerk will be forwarded to the respective employee utilizing department email.

- All subpoenas received electronically by the subpoena clerk will be forwarded to the respective employee utilizing department email.
- The employee will open the email and acknowledge proof of receipt when prompted. The email reply should be to the original email containing the subpoena attachment.
- Those choosing to utilize a smart phone or other device will need to reply to the original email indicating that they accepted the subpoena.

## *Subpoenas and Court Appearances*

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- In the event that the employee is unable to accept the subpoena, the employee will reply to the subpoena clerk with the reason for refusal along with their supervisors name.
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- All refused subpoenas will have supervisor approval and fall within current department policy.

### 348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

### 348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

### 348.2.4 REFUSAL OF SUBPOENA

. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall inform the subpoena clerk, the Watch Commander or the handling Deputy District Attorney of his/her absence at least one hour before the scheduled date and time. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

## *Subpoenas and Court Appearances*

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If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

### **348.2.5 COURT STANDBY**

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each business day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

If you receive a subpoena for a felony, you will need to call 909-945-4243 after 5:00 p.m. the day prior to your appearance date. When you call this number, you will hear a recorded message listing the names of the DEFENDANTS. If your defendant's name is listed, you will be needed in court. If the defendant's name is not listed, you will not be needed in court and therefore are not on-call, unless specific instructions come from the District Attorney.

If you receive a subpoena for a misdemeanor, you will need to call 909-477-8357 after 5:00 p.m. the day prior to your appearance date. When you call this number, you will hear a recorded message listing the names of the DEFENDANTS. If your defendant's name is listed, you will be needed in court. The phone numbers and special instructions are all listed on subpoenas.

### **348.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Ontario Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

### **348.2.7 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

## **348.3 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.



## *Subpoenas and Court Appearances*

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The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

### **348.3.1 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.
- (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 Ontario Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Ontario 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.

### **348.3.2 PARTY MUST DEPOSIT FUNDS**

The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

### **348.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

### **348.5 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. [Suitable business attire for men is a coat, tie and dress pants. Suitable business attire for women is a dress jacket, dress blouse and skirt or slacks.](#)

## *Subpoenas and Court Appearances*

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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.

### **348.6 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

## Reserve Officers

### 350.1 PURPOSE AND SCOPE

The Ontario Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### 350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS\_DEPUTIES

The Ontario Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

#### 350.2.1 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.

#### 350.2.2 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.

#### 350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

#### 350.2.4 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 Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### 350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Operations Bureau. 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.

## *Reserve Officers*

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### 350.3.1 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.

### 350.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

### 350.3.3 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

## **350.4 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.

### 350.4.1 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.

### 350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

## *Reserve Officers*

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### 350.4.3 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 Ontario Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

### 350.4.4 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.

### 350.4.5 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.

### 350.4.6 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.

### 350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

## *Reserve Officers*

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### **350.5 SUPERVISION OF RESERVE OFFICERS**

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). 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 Bureau Commander.

#### **350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Bureau 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 Bureau Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

#### **350.5.2 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.

#### **350.5.3 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.

#### **350.5.4 UNIFORM**

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

#### **350.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Operations Bureau 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.

## *Reserve Officers*

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### 350.5.6 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.

### **350.6 FIREARMS REQUIREMENTS**

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

#### 350.6.1 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.

#### 350.6.2 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.

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 Ontario Police Department.

#### 350.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

## *Reserve Officers*

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- (a) All reserve officers are required to qualify at least every other month
- (b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

### **350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.



## Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 352.2 POLICY

It is the policy of the Ontario 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/office].

### 352.3 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/office], 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/office].

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/office] until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this [department/office] will not ordinarily be booked at this [department/office]. Only in exceptional circumstances, and subject to supervisor approval, will this [department/office] provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, the transporting officer shall notify Dispatch of the intended destination and advise Dispatch when the transportation is completed..

#### 352.3.1 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 Ontario Police Department shall notify his/her supervisor or the Watch Commander and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 352.4 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.

## *Outside Agency Assistance*

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **352.5 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.

### **352.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Bureau Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Ontario 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.

### 356.2 POLICY

It is the policy of the Ontario 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.

### 356.3 REGISTRATION

The Investigations Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; 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.

#### 356.3.1 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 (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

### 356.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

## *Registered Offender Information*

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Any discrepancies should be reported to the California DOJ.

The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Ontario Police Department personnel, including timely updates regarding new or relocated registrants.

### **356.5 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 Ontario Police Department's website. Information on sex registrants placed on the Ontario Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Administrative Officer may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

#### **356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

## *Registered Offender Information*

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### 356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

## Major Incident Notification

### 358.1 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.

### 358.2 POLICY

The Ontario 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.

### 358.3 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 Bureau Commander. The following list of incident types is provided as a guide for determining when after hour administrative notification is required and what constitutes the appropriate type of notification. During normal business hours, notifying any on-duty captain will satisfy the notification requirement. This guide is not intended to be all inclusive:

- Resources Called In From Home
  - Notification required via telephone before resources are called in except:
    - An obvious murder investigation (notify as soon as possible)
    - When resources are called-out for the sole purpose of an informant signup (daily log entry will suffice)
- Arrest Or Official Police Contact Of A Department Employee Or Prominent City Official
  - Notification required via telephone
  - PD Admin email only for city employees below the rank of department directors
  - PD Admin email only if the official police contact is limited to the role of a reporting party
- Investigations On, Or Damage To, City Property - PD Admin email only
- Significant Resources Deployed Out Of The City
  - Daily log entry only for Narcotic K9's and search teams with no media interest
  - Notification via telephone on high profile and media driven events before resources are deployed
- Media Inquiries
  - Minor - PD Admin email only
  - PIO call-out - Notification via telephone
  - The Watch Commander is encouraged to handle minor media inquiries in conjunction with the assigned case agent

## *Major Incident Notification*

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- Significant Injury (Emergency Room Treatment Required) Or Death To Employee - On Or Off Duty
  - Notification via telephone
  - Minor injuries are automatically reported to admin via Online Injury Form submission
- Significant Use Of Force
  - Minor or no injury – Etrack and daily log
  - Serious bodily injury – Notification via telephone
  - Officer-involved shooting – Notification via telephone
  - Taser deployments generally are not significant and should be entered into the daily log
- Pursuits
  - Minor damage and/or no injury – Etrack and daily log
  - Significant damage and/or injury – Notification via telephone
  - Travel out of city – Etrack and daily log, unless there is media interest (telephone notification required)
- Deaths
  - Homicides – Notification via telephone
  - Natural deaths – No notification or log requirements
  - Traffic accidents – Notification via telephone
- Critical Missing Persons
  - Daily log entry unless there is media interest (telephone notification required)
- Power Outages
  - Major outage affecting PD or city resources – PD Admin email only
  - All others – No notification or log requirements
- Schools
  - Criminal investigations involving school officials – Notification via telephone
  - School violence threat investigation – Notification via telephone
  - Incidents affecting normal school operations – PD Admin email only
- Airport
  - Aircraft crash with major damage and/or injury or death – Notification via telephone
  - Significant breach of security – Notification via telephone

## *Major Incident Notification*

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### **358.4 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 and have an action plan before notification is made. The Watch Commander shall attempt to make the notifications as soon as practical. Notification(s) should be made in accordance with the current on-call list(s) located in the Watch Commander's office.

Whenever a major incident is ongoing, updates via Etrack are encouraged; however, additional notifications via telephone to the on-call administrator are not necessary unless an administrative decision is needed.

#### **358.4.1 STAFF NOTIFICATION**

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified by the on-call Bureau Commander.

#### **358.4.2 DETECTIVE NOTIFICATION**

In the event of an incident requiring detective response, the detective supervisor shall be notified who will then contact the appropriate detective(s).

If the incident requires that a detective(s) respond from home, the on-call detective supervisor shall be contacted who will then contact the appropriate detective(s).

#### **358.4.3 TRAFFIC BUREAU NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic supervisor shall be notified who will then contact the appropriate accident investigator.

If the incident requires that a traffic investigator(s) respond from home, the on-call traffic supervisor shall be contacted who will contact the appropriate traffic investigator(s).

#### **358.4.4 PUBLIC INFORMATION OFFICER (PIO)**

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.



## Tactical Alert and Mobilization

### 359.1 DEFINITION

A Tactical Alert is the preliminary stage of the Department Mobilization Plan for Unusual Occurrences. It provides for the controlled redistribution of on-duty and off-duty personnel to achieve the personnel level necessary for control of a major incident. The announcement of a Tactical Alert will include a brief description of the event, estimated duration of the event and its location.

### 359.2 PURPOSE AND SCOPE

A tactical Alert is initiated to achieve the following objectives:

- (a) Alert personnel of all or selected Department entities to the possibility of personnel redistribution and announce the existence of a major police incident.
- (b) Provide a personnel reserve which can be used by concerned "entities" in the control of an incident.
- (c) Control the depletion of field forces and discourage an uncontrolled voluntary response to the scene of a major incident.

### 359.3 INITIATION OF A TACTICAL ALERT

The Incident Commander requesting the Tactical Alert shall provide the Patrol Division Captain with the following information:

- (a) Location and nature of the incident
- (b) Anticipated personnel, including communications, and equipment needs
- (c) Anticipated duration of the incident
- (d) Likelihood of the incident escalating (short/long term)

Initiation shall then take place.

#### 359.3.1 NOTIFICATIONS

The Watch Commander shall make notifications of the Tactical Alert and the situation status to the following individuals:

- (a) Police Chief
- (b) Division Captains
- (c) Bureau Supervisors/Managers

During non-business hours, the on-call Captain shall be apprised of the Tactical Alert.

## *Tactical Alert and Mobilization*

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### **359.4 TACTICAL ALERTS LEVELS**

(a) Level 1 Alerts will require on duty sworn personnel to be prepared and ready to respond if needed. Sworn personnel will be required to gather their police related equipment in order to expedite their response if mobilized. If mobilized, officers will respond with all of the required police equipment necessary to work as a patrol officer. The equipment should include gas mask and helmets. Officers will also be required to bring their batons in case they are utilized in a Mobile Field Force capacity.

\*examples of a Level 1 Alert would be unplanned events, events in other cities where mutual aid may be requested or planned events whose resources have been taxed.

(b) Level 2 Alerts are used during unexpected and unannounced major events requiring mobilization of the department. Off-duty personnel will contact their supervisors for direction and may be requested to respond within 2 hours of the notification. On-duty personnel will restrict their activities to law enforcement duties of major importance in case they are required to respond reference a tactical alert.

\*examples of a Level 2 Alerts are earthquakes, fires or acts of terrorism.

It is suggested that officers anticipate possibly being away from home for extended periods and thus make the necessary arrangements for their family upon being notified of a Tactical Alert.

During Tactical Alerts, Civilian and Professional Staff should report to work as normally scheduled unless specifically contacted by a supervisor. If a Level 2 Tactical Alert is implemented during days off, Civilian and Professional Staff are to contact their immediate supervisor for direction.

### **359.5 EFFECTS OF A TACTICAL ALERT**

When an entity is placed on tactical Alert, the following shall take effect:

(a) Level 1: All units in the alerted area shall continue normal operations in assigned areas unless reassigned by the Incident Commander.

(b) Level 2: Officers working in the areas included in a Tactical Alert shall restrict their activities to law enforcement duties of major importance.

(c) Watch Commanders and field supervisors shall ensure that all on-duty personnel are aware of the Tactical Alert.

(d) Officers in alerted areas who are busy handling calls or completing reports shall, whenever possible, be required to resume normal duties and await further instructions by radio or other communications.

(e) Dispatch Center shall screen all incoming calls and dispatch Priority 1 and 2 calls only.

(f) Watch Commander shall maintain accounting of on-duty personnel

(g) Investigative personnel shall don their uniforms and continue to perform their regular duties; however, they shall keep their supervisors aware of their status. All sworn non-uniform personnel

## *Tactical Alert and Mobilization*

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other than Narcotic officers will don their uniforms and be prepared to respond with their gas masks and helmets.

(h) Twelve hour shifts may be established by the Division Captain for all personnel assigned to the Tactical Alert when needed.

### **359.6 MOBILIZATION OF PERSONNEL**

#### **359.6.1 DEPARTMENT MOBILIZATION**

A mobilization is the principal personnel deployment plan for control of a major occurrence. The Department may be mobilized by the Chief of Police or his designee and may involve the entire Department or selected entities. A mobilization may require:

- (a) The immediate extensions of the work-day to twelve hour shifts.
- (b) The temporary deferment of days off.
- (c) The recalling of off-duty personnel.

#### **359.6.2 PURPOSE OF MOBILIZATION**

A mobilization is activated to provide necessary personnel:

- (a) When an unusual occurrence is of sufficient magnitude to require deviation from normal law enforcement operating procedures and necessitates a general modification of Department organization and command.
- (b) When forces assembled by a Tactical Alert are insufficient enough to meet the tactical situation.

A mobilization shall be initiated without delay if at the beginning of an "unusual occurrence" it is obvious the on-duty forces will be insufficient to meet the immediate needs of the Incident Commander.

#### **359.6.3 WATCH COMMANDER**

With the approval of the Chief of Police, Division Captain or their designee, the Watch Commander (any rank) or the Incident Commander may initiate the mobilization of personnel. When there is a need for the mobilization of personnel, the process SHALL be initiated as soon as possible to restrict voluntary responses and avoid depletion of personnel.

The Division Captain or his/her designee will determine when the EOC will be activated based on the needs of the department.

#### **359.6.4 PHASES OF MOBILIZATION**

Personnel will respond in the following sequence as directed by the Incident Commander. In an attempt to simplify the response process, each phase will generally include the following personnel.

Phase 1: On duty uniformed personnel including Traffic, COPS, MET, Gangs, Professional Staff, and civilian personnel.

## *Tactical Alert and Mobilization*

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Phase 2: All those included in Phase 1 plus uniform ready personnel (detectives).

Phase 3: All those included in Phase 1 and 2 plus Mobile Field Force.

Phase 4: All those included in Phase 1, 2, and 3 plus Narcotics.

Phase 5: A mobilization of off-duty and reserve officer personnel will be implemented.

Throughout activation periods, all employees will stay in contact with their supervisors in order to remain updated with any changes that may occur.

Mutual Aid requests can be initiated at any time as deemed necessary by the Division Captain or his/her designee.

### 359.6.5 MOBILIZATION METHODS

Mobilization effects may include the following:

- (a) Implementation of twelve hour shifts.
- (b) Deferment of days off
- (c) Alerting off-duty personnel
- (d) Arranging of inventory of personnel and equipment and remaining in normal assignments
- (e) Preparing the fulfillment of the EOC requests for personnel and equipment.
- (f) Restricting activities of units to law enforcement work of major importance.
- (g) Investigative personnel shall be in uniform with all equipment including helmets, gas masks and batons.

### 359.6.7 DECISION TO HOLD OVER SHIFTS

The decision to hold over shifts SHALL be based on an evaluation of the situation status provided by the Incident Commander, the likelihood of an escalation of activity and the potential necessity for Department entities beyond those areas/entities activated.

The decision to release the "held over" personnel shall be the decision of the Incident Commander following a consultation with the Division Captain assigned to the incident.

### **359.7 ALERT OF OFF-DUTY PERSONNEL**

When a Mobilization is initiated, personnel in mobilization entities shall be activated as follows:

- (a) The Incident Commander shall cause notification to be made to off-duty personnel assigned to activated entities. The notifications will be made in forms of cell phones, home telephone numbers and email. The notification message will include the location, date, time and point of contact.
- (b) When off-duty personnel are alerted, they shall be instructed when to report to their assignment. Officers assigned to an incident shall continue reporting to the same location and time throughout the duration of the incident unless otherwise directed via chain of command or Incident Commander.

## *Tactical Alert and Mobilization*

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(c) Off-duty personnel who are unable to report to duty because of road closures shall contact their supervisors to advise when they will be able to respond.

In accordance with Government Code Section 3500, all public employees are disaster service workers and have a responsibility beyond normal duty hours.

If you are unable to physically get to your work place, report to the fire station or other appropriate government facility nearest to your home. If you are required to work for another municipal agency, the city will pay you for that service.

### **359.8 LOGISTICAL CONCERNS**

The Incident Commander should consider the following logistical concerns during Tactical Alerts:

- (a) Equipment needs
- (b) Staging for equipment and personnel
- (c) Multiple staging areas
- (d) Other issues related to the Incident Command System (ICS)

## Death Investigation

### 360.1 PURPOSE AND SCOPE

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

### 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

#### 360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

## *Death Investigation*

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

### 360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

### 360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

## *Death Investigation*

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### 360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

### 360.2.5 DEATH INVESTIGATION REPORTING

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

### 360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Bureau shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

### 360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).



# Identity Theft

## 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department 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

### 364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

### 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

### 364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

## *Private Persons Arrests*

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

### **364.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

# Anti-Reproductive Rights Crimes Reporting

## 366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

## 366.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

## 366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Bureau Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigation Bureau Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
  1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

*Anti-Reproductive Rights Crimes Reporting*

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

## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Ontario Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 POLICY

It is the policy of the Ontario 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.

### 368.3 LEP COORDINATOR

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to

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use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

### **368.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **368.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Ontario Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### **368.6 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.

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### **368.7 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.

### **368.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

### **368.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.



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### 368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

### 368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **368.10 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 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.

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### **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Ontario Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **368.11.1 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 the Dispatch Center, 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.

### **368.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve 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.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### **368.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and

## *Limited English Proficiency Services*

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suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

### **368.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

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.

### **368.15 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.

### **368.16 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.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

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.

### **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **368.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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## Communications with Persons with Disabilities

### 370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 370.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

### 370.2 POLICY

It is the policy of the Ontario Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Operations Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Ontario Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

## *Communications with Persons with Disabilities*

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### **370.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

## *Communications with Persons with Disabilities*

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### **370.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Ontario Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

### **370.6 TYPES OF ASSISTANCE AVAILABLE**

Ontario Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

## *Communications with Persons with Disabilities*

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **370.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### **370.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### **370.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).



## *Communications with Persons with Disabilities*

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **370.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **370.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **370.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

## *Communications with Persons with Disabilities*

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### **370.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **370.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### **370.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

## *Communications with Persons with Disabilities*

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **370.15 ARREST AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

### **370.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

### **370.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## *Communications with Persons with Disabilities*

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### **370.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **370.18.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Dispatch Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

# 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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### **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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the 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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 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).

## *Mandatory Employer Notification*

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### **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 § 11590 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

### **372.3 POLICY**

The Ontario 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).

## Chaplains

### 376.1 PURPOSE AND SCOPE

The Ontario Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

### 376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### 376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

### 376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Possess a valid California Drivers License.

## Chaplains

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### **376.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board, or council.
- (c) Interview with Chief of Police & Chaplain Supervisor
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

### **376.6 DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
- (f) 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 Department's mission.
- (g) 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 personnel.
- (h) Counseling officers and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.



## Chaplains

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- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contacts that was provided while functioning as a chaplain for the Ontario Police Department.

### **376.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the department may work or volunteer for the Ontario Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. 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 Ontario Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **376.8 COMMAND STRUCTURE**

- (a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the designated Department Chaplain Coordinator.
- (b) The Chaplain Coordinator shall serve as the liaison between the Chaplain Unit and the Chief of Police. The Chaplain Coordinator will arrange for meetings, act as chairman of all chaplain meetings, prepare schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

## Chaplains

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### **376.9 OPERATIONAL GUIDELINES**

- (a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Thursday and ending on the following Thursday.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Ontario Police Department operations, provided the Watch Commander has been notified and approved of the activity.
- (c) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) 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.
- (f) Chaplains shall serve only within the jurisdiction of the Ontario Police Department unless otherwise authorized by the Chief of Police or his designee.

#### **376.9.1 UNIFORMS AND BADGES**

A distinct uniform, badge and necessary safety equipment, upon request, will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this department.

#### **376.10 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Sergeant.

## 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/office] (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 Adult Abuse policies.

### 380.2 POLICY

It is the policy of this [department/office] to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Ontario 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.

## *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)).

## *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 [department/office] 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.

## *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 Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Ontario Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually 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 owner's disability (28 CFR 35.104).

California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability (Healthy and Safety Code § 113903).

#### 382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

## *Service Animals*

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### **382.3 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Ontario Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.



## Volunteer Program

### 384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

#### 384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 384.2 VOLUNTEER MANAGEMENT

#### 384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative Services Bureau Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

## *Volunteer Program*

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

### 384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

## *Volunteer Program*

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### 384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### 384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### 384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

## *Volunteer Program*

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### **384.2.8 APPEARANCE AND GROOMING**

- (a) Hairstyles of male volunteers shall be neat in appearance and evenly trimmed.
- (b) Hair length of male volunteers must not extend below the bottom edge of the uniform collar while assuming a normal stance.
- (c) Male volunteer may wear a neatly trimmed mustache.
- (d) Beards and goatees are authorized for male volunteers as long as they are neatly trimmed and no longer than 1/2 inch in length.
- (e) Tattoos and other forms of body art including objects used to pierce the body, shall not be visible during the course and scope of duty.
- (f) Female volunteers are authorized to wear earrings with the following restrictions: The earring must be in the lower portion of the ear lobe, less than 1/4 inch in diameter with a non-locking clasp.

### **384.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### **384.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential

## *Volunteer Program*

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information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

### **384.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

#### **384.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

#### **384.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

### **384.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

## *Volunteer Program*

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Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

### **384.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

### **384.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## Off-Duty Law Enforcement Actions

### 386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Ontario Police Department with respect to taking law enforcement action while off-duty.

### 386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 386.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge or identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

### 386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

## *Off-Duty Law Enforcement Actions*

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

### **386.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Ontario Police Department officer until acknowledged. Official identification should also be displayed.

### **386.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

### **386.4.3 CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### **386.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

## **386.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.



## Department Use of Social Media

### 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
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department.

#### 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 Ontario 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. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 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.

Examples of appropriate content include:

## *Department Use of Social Media*

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### **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 Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

### **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 Ontario Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

### **389.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

## *Department Use of Social Media*

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### **389.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### **389.7 RETENTION OF RECORDS**

The Administrative Services Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **389.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

# Gun Violence Restraining Orders

## 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.

### 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 Ontario Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the [Department/Office] pursuant to such orders.

## 390.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her 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 orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

## 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).

## *Gun Violence Restraining Orders*

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- (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 Administrative Officer 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 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS**

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

- (a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
- (b) File a copy of the order with the court as soon as practicable after issuance.
- (c) Ensure the order is provided to the Records Division for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

### **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. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

## *Gun Violence Restraining Orders*

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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 ADMINISTRATIVE OFFICER RESPONSIBILITIES**

The Administrative Officer 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) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the [Department/Office] are properly maintained (Penal Code § 18120).

### **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.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

### **390.8 RELEASE OF FIREARMS AND AMMUNITION**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.,

## 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 POLICY

The Ontario 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/office] members.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Ontario Police Department. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

### 400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Ontario Police Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily [briefing]s and to attend [briefing]s of other bureaus or specialized units.



## *Patrol Function*

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Additionally, information should be shared with outside agencies and the public in conformance with [department/office] policies and applicable laws. Members are encouraged to share information with other units and bureaus.

### **400.5 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. The Watch Commander should be notified and will determine whether a member of the departments Labor Relations Unit should be notified or respond.

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 advisement 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.

# Community Policing

## 401.1 PURPOSE

It is the purpose of this policy to identify the components and strategies that comprise community policing, constitutional policing and community input and impact considerations that serve as the basis for the Ontario Police Department mission and strategic plan

## 401.2 POLICY

It is the policy of this law enforcement agency to pursue, where feasible, the programs, strategies, and principles incorporated in community policing.

## 401.3 DEFINITIONS

**Community Policing:** A philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques and that proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime.

**Problem Solving:** The process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses.

**SARA:** A problem solving model comprised of 1) Scanning, to identify and prioritize problems; 2) Analysis, to research what is known about the problem; 3) Response, to develop solutions to bring about lasting reductions in the number and extent of problems; and 4) Assessment, to evaluate the success of the responses.

**Constitutional Policing** protocols emphasize that all police work should be carried out in a manner consistent with the requirements of the U.S. Constitution and federal law. The Ontario Police Department policies do include protocols on First Amendment, Fourth Amendment, and Fourteenth Amendment principles in law enforcement activity, as well as compliance with federal and state civil rights laws.

**Community Input and Impact** protocols must identify mechanisms that LEAs will use to engage the communities they serve to inform them and seek their input about LEAs' actions, role in, and relationships with the community. Law enforcement exists to protect and serve the community, so it is axiomatic that the community should be aware of and have a say in how they are policed. LEAs should make particular efforts to seek the input of communities where controlled equipment is likely to be used so as to mitigate the effect that such use may have on public confidence in the police.

## 401.4 PROCEDURES

### A. Community Partnerships

This agency and its officers should actively engage the public in its operations to gain information on local problems; seek cooperation and support in identifying solutions; gather feedback

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about agency policies and programs; engage in joint crime-prevention programs; and provide information and elicit opinions about current and proposed policing policies and programs. The following community entities should be considered as key players in developing police community programs and partnerships. They may be engaged individually or in combined meetings, forums, advisory boards or similar groups. Line officers play a significant role in engaging community members in positive interactions, not just when they are addressing a public safety problem. On a daily basis, every positive encounter with a citizen, regardless of the type of law enforcement agency, has the potential to increase community trust.

### 1. Community Members and Groups

This includes persons who live, work or otherwise have an interest in the community such as volunteer groups, activists, formal and informal community leaders, residents, visitors, and commuters.

### 2. Nonprofits and Service Providers

These providers include such entities as victim advocate groups, support groups, community development corporations, service clubs, and faith based communities.

### 3. Private Businesses

This may include individual businesses or through groups such as the chamber of commerce, local business consortiums, corporate management, or other means.

### 4. Media

Print, television and related mass media should be engaged to strengthen relationships with the community by communicating public safety and quality of life issues; soliciting feedback for development of solutions; presenting this agency's current strategies and proposed initiatives for addressing local problems; and conveying information about the agency's varied public services, events, and activities.

### 5. Governmental Agencies

Coordination of this agency's programs and services with other local and state governmental agencies that provide services and programs complement and enhance this agency's mission as well as those of partner agencies. These include but are not limited to human services, child welfare, corrections, probation and parole, other state and local law enforcement agencies, public works, and schools.

## B. Agency Organization

1. In order to enhance the ability of officers to interact, communicate, and form relationships with individuals and neighborhoods, officers may be assigned on a long term basis to geographical regions and/or areas corresponding to neighborhood boundaries.

2. Officers may be provided with discretion to pursue criminal investigations, identify problems and formulate solutions, individually or in conjunction with other officers working as a team.

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Officers and investigators with specialized experience and training may be requested to assist in particularly complex or specialized investigative situations.

3. Resources and finances should be allocated, and where appropriate, supplemental financial support requested, to support the operational components and programs of community policing and problem solving adopted by this agency.

### C. Personnel

The agency may consider the following:

1. Job descriptions that recognize community policing and problem solving responsibilities, and recruitment, selection and hiring criteria and emphasize the community service orientation of the job, in addition to traditional crime prevention and crime control.

2. Supervisors link the principles, practices and programs adopted by this agency as a part of community policing and problem solving to personnel job descriptions, evaluation of officer performance and rewards.

3. Officer training—basic academy, field training, and in-service training—is geared toward the principles and practices of community policing and problem solving as adopted by this agency, with the objective of institutionalizing these concepts and practices over time.

### D. Training and Management

This agency:

1. Takes steps necessary to create an agency culture that supports and institutionalizes the principles and values of community policing and problem solving.

2. Uses command staff and supervisors to reinforce the mission, values and vision of community policing and problem solving to those officers in their command, and to ensure that they are conducting police business in accordance with those principles and practices.

3. Encourages employee labor unions to support the changes that are imperative to the successful implementation of community policing and problem solving.

4. Promotes and incentivizes front line officers to take responsibility for their role in community policing by taking personal responsibility for identifying community problems and formulating solutions that serve both the well-being of the community and crime prevention.

5. Has a mission statement that drives the agency's values, policies and procedures in a manner that operationalizes community policing and problem solving for all personnel.

6. Developed a performance evaluation system that is not limited to such factors as crimes solved, tickets issued or response time, but also outcome measures associated with such issues as reduced fear of crime, citizen satisfaction with police, the alleviation of community problems, and improvement in the quality of life.

## *Community Policing*

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7. Increases the agency's transparency within the community by enhancing the free flow of information about agency activities, programs, and services, as well as crime and matters of social disorder; and by soliciting feedback from the community on issues of concern.
8. Implements SARA to better evaluate the success of agency responses to identified problems by identifying and prioritizing problems, researching the cause and related factors associated with those problems, developing measures to solve those problems, and evaluating the effectiveness and outcome of those measures.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to [department/office] members that affirms the Ontario 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/office]'s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 402.2 POLICY

The Ontario 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/office] 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.

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):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin, or ethnicity
- (b) By investigating, enforcing, or assisting, with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

## *Bias-Based Policing*

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### **402.4 MEMBER RESPONSIBILITIES**

Every member of this [department/office] shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **402.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **402.4.2 REPORTING OF STOPS**

Each time an officer makes a traffic stop, the officer shall report any required information..

### **402.5 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy and ensure that any related recordings are retained for administrative investigation purposes.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action that is taken against any member of this department who discloses information concerning bias-based policing.

### **402.6 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Personnel and Training Division.

## *Bias-Based Policing*

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- (a) All sworn members of this [department/office] 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/office] are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this [department/office] who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

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

The Internal Affairs Division shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.



## 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.

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## 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 Ontario 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.

## *Crime and Disaster Scene Integrity*

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### **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 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/office] 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).

## Special Weapons and Tactics Team

### 408.1 PURPOSE AND SCOPE

The SWAT team (SWAT) is comprised of two specialized teams: the Crisis Response Negotiations Team (CRT) and the Special Weapons and Tactics Tactical Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

#### 408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

### 408.2 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

## *Special Weapons and Tactics Team*

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### 408.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

### **408.3 TRAINING NEEDS ASSESSMENT**

The SWAT/CRT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1081).

#### 408.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

#### 408.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

#### 408.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

#### 408.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member (excluding CRT members) shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member (excluding CRT members) failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire

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physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

- (c) Those members (excluding CRT members) who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Team members unable to meet the PFQ standards at the scheduled time (due to injury) may be extended beyond the 30 day remediation requirement, at the discretion of the S.W.A.T. Commander.
- (d) Monthly, each SWAT team member (excluding CRT members) shall perform the mandatory SWAT weapons qualification course. The qualification course shall consist of the SWAT Basic weapons drill. Team members who fail to qualify will immediately receive remediation range training. Any team member (excluding CRT members) who fails to qualify at the completion of training will be placed on "inactive" status. The team member will then receive additional remedial training and be re-tested within 30 days. Failure to qualify upon re-test may result in the team member being removed from the team.
- (e) S.W.A.T. Team training sessions are mandatory for all active team members. Any team member who is unable to attend a training session for any reason must notify, in writing (in the form of an e-mail), and be excused by a S.W.A.T. Team supervisor.

### 408.3.5 TRAINING SAFETY

Use of a designated safety officer(s) should be considered for all tactical training.

### 408.3.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

### 408.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Personnel and Training Division. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

## **408.4 UNIFORMS, EQUIPMENT, AND FIREARMS**

### 408.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

## *Special Weapons and Tactics Team*

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### 408.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

### 408.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

## **408.5 MANAGEMENT/SUPERVISION OF SWAT TEAM**

The Commander of the SWAT team shall be selected by the Chief of Police upon recommendation of staff.

### 408.5.1 SWAT COMMANDER

Under the direction of the Chief of Police, through the Special Operations Bureau Commander, the Special Weapons and Tactics Team shall be managed by a lieutenant.

### 408.5.2 TEAM SUPERVISORS

The Crisis Response Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The following represent the supervisor responsibilities.

- (a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.
- (b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.

## **408.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

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

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

### 408.6.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a "Request for Special Assignment" to the Special Operations Bureau Commander. A copy will be forwarded to the SWAT Commander and/or the Crisis Negotiation Team Supervisor.

Qualified applicants will then be invited to an oral interview. Interested Personnel shall be evaluated by the following:

- (a) Recognize competence and ability as evidenced by performance.

## *Special Weapons and Tactics Team*

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- (b) Demonstrated good judgement and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special Skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and

### **408.6.2 TRAINING OF NEGOTIATORS**

Those officers selected as members of the Crisis Response Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the CRT who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

### **408.7 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

#### **408.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation, and have three years of law enforcement experience, shall submit a "Request for Special Assignment" to the Special Operations Bureau Commander, a copy of which will be forwarded to the SWAT Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility, SWAT basic weapons qualification course.



## *Special Weapons and Tactics Team*

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- (a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance;
  - 2. Demonstrated good judgment and understanding of critical role of SWAT member;
  - 3. Special skills, training, or appropriate education as it pertains to this assignment; and,
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic weapons qualification course: Candidates will be invited to shoot the SWAT Basic weapons qualification course. A minimum predetermined qualifying score must be attained to qualify.
- (d) A list of successful applicants shall be submitted to the Command staff, by the SWAT Commander, for final selection.

### 408.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### **408.8 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT Commander.

#### 408.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Special Weapons and Tactics Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SWAT Commander.

## *Special Weapons and Tactics Team*

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### 408.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Special Weapons and Tactics Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### 408.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Ontario Police Department Special Weapons and Tactics Unit in response to requests by other agencies must be authorized by a Bureau Commander.

### 408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Ontario Police Department SWAT team shall operate under the policies, procedures and command of the Ontario Police Department when working in a multi-agency situation.

### 408.8.5 MOBILIZATION OF SPECIAL WEAPONS AND TACTICS UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Special Weapons and Tactics Unit. The Watch Commander shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the SWAT Commander. The Watch Commander will then notify the "on call" administrator as soon as practical.

The Watch Commander should advise the SWAT Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.

## *Special Weapons and Tactics Team*

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- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.
- (i) Suspects criminal history.

The SWAT Commander or supervisor shall then call selected officers to respond.

### 408.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Weapons and Tactics Unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Evacuate any injured persons or citizens out of the inner perimeter.
- (d) Attempt to establish preliminary communication with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (e) Be prepared to brief SWAT Commander on situation.
- (f) Plan for, and stage, anticipated resources.

### 408.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Weapons and Tactics Unit at the scene, the Incident Commander shall brief the SWAT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT Team.

Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Special Weapons and Tactics Unit.

The Incident Commander and the SWAT Commander (or his or her designee) shall maintain communications at all times.

### 408.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All those persons who are non-SWAT/CRT Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT/CRT Team personnel directly.

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All non-emergency communications shall be channeled through the Incident Commander or his or her designee.

### 408.8.9 REPORTING REQUIREMENTS

At the conclusion of a SWAT deployment, a tactical "After Action Report" will be prepared by the SWAT Commander or his/her designee.

This tactical "After Action Report" should contain general information about the tactics used, equipment consideration/malfunctions, hazards and property damage caused by the Tactical Team.

Each team member on scene of the incident will complete an individual "After Action Report" and/or a supplemental criminal report documenting their actions.

These reports will be submitted to the SWAT Commander or his/her designee who will prepare the finalized "After Action Report" and submit it to the Special Operations Bureau Captain.

## Ride-Along Policy

### 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### 410.1.1 ELIGIBILITY

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

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

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Bureau Commander, or Watch Commander.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

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

#### 410.2.1 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.

## *Ride-Along Policy*

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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 the Police Cadets Policy.

### **410.2.2 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.

### **410.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

### **410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Ontario Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

## **410.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. 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.

## **410.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer

## *Ride-Along Policy*

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- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

### 410.4.1 WAIVER AND OTHER CONSIDERATIONS

A waiver/exposure form (OPD-ECP-134) will be required of the ride-along each time he or she rides. Ride-alongs must assume risk of injury or danger, and waives and releases claim against the City of Ontario and the Department. The form is available at the front counter.

(a) Ride-alongs will be required to view the Exposure Control Plan video prior to riding. The Watch Commander shall approve any reason the exposure video is not viewed (b) Minors must have the form signed by a parent or guardian. An Ontario police officer or notary public must witness the signature and ensure that the parent or guardian has read and understands the form. (c) The parent or guardian is to be advised that in the event of an emergency or extenuating circumstance, the ride-along may be left in a safe area to allow the officer to respond to the emergency. In this event, the ride-along will be picked up by another unit. (d) Persons taking part in the ride-along program must report to the police station fifteen minutes prior to the start of their scheduled ride. (e) Employee family members and close personal friends may ride along; however, they may be assigned to ride with another officer or supervisor. This will be at the discretion of the Watch Commander or immediate supervisor. (f) Both males and females are eligible to participate in the ride-along program. However, female ride-alongs will be required to ride with a person of either sex.

## Hazardous Material Response

### 412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

#### 412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

### 412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

### 412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor.

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.



## *Hazardous Material Response*

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### 412.3.1 SUPERVISOR RESPONSIBILITY

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

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Each exposure shall be documented by completing a memorandum and appropriate exposure/injury forms. These documents shall be forwarded to the Chief of Police via chain of command.

## Hostage and Barricade Incidents

### 414.1 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.

#### 414.1.1 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.

### 414.2 POLICY

It is the policy of the Ontario 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.

### 414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 414.3.1 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,

## *Hostage and Barricade Incidents*

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

### **414.4 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.

#### **414.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

## *Hostage and Barricade Incidents*

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.
- (l) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### 414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a React Team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

## *Hostage and Barricade Incidents*

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- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt 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.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **414.5 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 SWAT CRU 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).
  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. The supervisor must ensure the Department obtains a court order for this process.

## *Hostage and Barricade Incidents*

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- (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 the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News 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.

### **414.6 SWAT RESPONSIBILITIES**

The Incident Commander will decide, with input from the SWAT Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

### **414.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Ontario 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 Ontario 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/Office] 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/office] 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 ONTARIO POLICE DEPARTMENT FACILITY

If the bomb threat is against the Ontario Police Department facility, the field supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police [department/office], 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 Ontario Police Department that is not the property of this [department/office], the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

## *Response to Bomb Calls*

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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/office] receives notification of a bomb threat at a location in the City of Ontario Police Department, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  1. No evacuation of personnel and no search for a device.
  2. Search for a device without evacuation of personnel.
  3. Evacuation of personnel without a search for a device.
  4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch 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/Office] 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/Office] will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.



## *Response to Bomb Calls*

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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.

## *Response to Bomb Calls*

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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/office] 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

## *Response to Bomb Calls*

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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 field supervisor 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.

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## 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 Ontario 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 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

#### 418.3.2 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer may also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

## *Mental Illness Commitments*

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### 418.3.3 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

### **418.4 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.

### **418.5 TRANSPORTATION**

When transporting any individual for a 5150 commitment, the transporting officer should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

#### 418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Division which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm

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with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

### **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 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 TRAINING**

This [department/office] will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

## Cite and Release Policy

### 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 Ontario 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/Office]'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.

#### 420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the 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.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

### 420.3 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 persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her 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

## *Cite and Release Policy*

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(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, the arresting officer or the authorized designee.

## **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)
- (e) Rape of a spouse (Penal Code § 262)
- (f) 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)
- (g) Stalking (Penal Code § 646.9)
- (h) 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/Office] and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.



## *Cite and Release Policy*

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- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
  - 1. The Ontario Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).
- (e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).
- (f) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
  - (a) Previous failure to appear is on record
  - (b) The person lacks ties to the area, such as a residence, job, or family
  - (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Division.

### **420.5 MISDEMEANOR WARRANTS**

## *Cite and Release Policy*

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An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander or designee approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (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**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Ontario Police Department City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Division for further action including diversion.

### **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 he/she 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 Ontario Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 422.2 POLICY

The Ontario 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.

## *Foreign Diplomatic and Consular Representatives*

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### **422.4 ENFORCEMENT**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers
  - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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## Foreign Diplomatic and Consular Representatives

### 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:

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

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<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:

- (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.

# Arrest or Detention of Peace Officer or Ontario Police Department Personnel

## 423.1 PURPOSE AND SCOPE

The arrest or detention of an officer from another agency can often place this Department's officer and supervisor in an awkward and uncomfortable position of determining whether it is appropriate to notify the arrested officer's agency. Labor Code Section 432.7, while permissive and not mandatory, authorizes the disclosure of arrest or detention information to a government agency employing a peace officer. In response to the arrest report, the employing agency may place the officer on paid administrative leave and/or initiate an internal investigation.

For the purposes of consistency, it shall be the policy of this Department to notify the employing agency whenever a peace officer is arrested. When practical the notification of a detention or arrest shall be made by the Office of Internal Affairs.

The procedures set forth in this policy shall also apply to Ontario Police Department personnel who have been arrested for a criminal violation, or are the subject of a criminal complaint or indictment.

### 423.1.1 ARREST OR DETENTION OF PEACE OFFICER

#### A. Arrest

1. The arresting officer shall immediately notify his/her supervisor of an arrest of a peace officer.
2. The supervisor shall notify the peace officer's employing agency's watch commander or the employing agency's internal affairs.
3. The supervisor shall forward a copy of the arrest report and a memorandum documenting any pertinent information not contained in the arrest report with the name, rank, and telephone number of the person whom he/she notified to the Office of Internal Affairs. The Office of Internal Affairs will act as liaison with the employing agency.
4. Depending on the circumstances, the supervisor may request that the Office of Internal Affairs make the necessary notifications.

#### B. Detention

1. The detaining officer shall immediately notify his/her supervisor of the detention of a peace officer where probable cause exists for an arrest or a criminal complaint other than a traffic infraction or municipal code violation.
2. The supervisor, depending on the seriousness of the incident, shall notify the Office of Internal Affairs either by telephone or by memorandum.
3. The supervisor shall forward a copy of the criminal report and a memorandum documenting any pertinent information not contained in the criminal report. The Office of Internal Affairs will act as liaison with the employing agency.

## *Arrest or Detention of Peace Officer or Ontario Police Department Personnel*

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4. The Office of Internal Affairs shall be solely responsible for notifying the Internal Affairs unit of the officer's employing agency.

### 423.1.2 ARREST OR CRIMINAL COMPLAINT AGAINST ONTARIO POLICE PERSONNEL

1. Members of this Department shall provide written notification to their immediate supervisor or watch commander within 24 hours of their arrest for a criminal violation or learning that an application for a criminal complaint or indictment has been sought or issued against them. Such notification shall contain a summary of the complaint sought or issued and the projected date of the hearing or trial.



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## 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 Ontario 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/Office] 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.

## *Rapid Response and Deployment*

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- (f) Whether planned tactics can be effectively deployed.
- (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).

### **424.4 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 Field Operations Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

## *Rapid Response and Deployment*

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### **424.6 TRAINING**

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Ontario 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.

**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 Ontario 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/office] in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

### 428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

### 428.3.2 SWEEPS

The Ontario Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

## *Immigration Violations*

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The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

### 428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

### 428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

### 428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

At no time shall a member of this agency arrest an undocumented alien on a "hold" or "detainer" issued from ICE. Only in the event an immigration warrant has been issued by a federal judge may an arrest be authorized.

### 428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

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### 428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe an arrestee may not be a citizen of the United States and the individual is not going to be booked into county jail, the arrestee shall be released from custody in accordance with standard release procedures.

Notification to ICE regarding the custody status of undocumented aliens shall be left to the discretion of the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

All contacts with this Agency made by any member of ICE for the purpose of inquiring on the status of an undocumented alien shall be referred to the Watch Commander.

### **428.4 IMMIGRATION INQUIRIES PROHIBITED**

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

#### 428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigations Division sergeant assigned to supervise the handling of any related case. The Investigations Division sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

## *Immigration Violations*

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### 428.4.2 HUMAN TRAFFICKING T-VISA

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

## 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 the Dispatch Center.

#### 430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### 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 the Dispatch Center.

### 430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Ontario contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of California.

#### 430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.



## Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide [department/office] members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 434.2 POLICY

It is the policy of the Ontario Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 434.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

## *Aircraft Accidents*

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### **434.5 NOTIFICATIONS**

When an aircraft accident is reported to this [department/office], the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **434.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) [Medical Examiner/JOP].
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this [department/office] will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene [department/office] supervisor should ensure the accident is still appropriately investigated and documented.

### **434.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

## *Aircraft Accidents*

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **434.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Ontario Police Department shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of OPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **434.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **434.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **434.9 MEDIA RELATIONS**

The Public Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

## *Aircraft Accidents*

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.

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## 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 Ontario 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 a Police Corporal or an experienced senior 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

FTO's will be selected based on the following requirements:

- (a) Rank of Police Corporal or:
- (b) Rank of Police Officer, off probation with a minimum of four years of experience.
- (c) Desire to be an FTO.
- (d) Demonstrated ability to be a positive role model.
- (e) Recommendation from immediate supervisor.
- (f) Selected through a process determined by the FTO Lieutenant or designee.
- (g) Satisfactory PACE evaluation by supervisor.
- (h) 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 Field Operations Bureau Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

## *Field Training Officer Program*

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The responsibilities of the FTO Program supervisor include the following:

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

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

### **436.4 TRAINEE DEFINED**

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

### **436.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 18 weeks.

The training period for a lateral officer, who has successfully completed a full FTO program from another agency, may be modified depending on the trainee's demonstrated performance and level of experience.

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 Ontario 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 Ontario Police Department.

## *Field Training Officer Program*

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### **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:

- (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 field training supervisor shall review and approve the Daily Trainee Performance Evaluations.

#### **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.

### **436.7 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.

#### 438.1.1 HELICOPTER MUTUAL AID

##### I. OVERVIEW

- (a) At the direction of the Watch Commander, the flight crew and aircraft may respond to requests for mutual aid that are generally of an exigent nature, or after the resources of the requesting agency have been exhausted or may be potentially overwhelmed. Any requests will be routed through the Watch Commander and must include the circumstances, nature, location, requesting agency and mission being assigned to the aircraft.
- (b) The Flight Crew may self-initiate a response for mutual aid within the Area of Operation if exigent circumstances exist and should a delay in response by air support might result in injury or death to an officer or citizen; or suspect(s) evading apprehension. Examples of a self-initiated response are officer needs help, officer down, officer involved shooting, catastrophic events, and pursuits of felony suspects believed to be armed or who pose a significant risk to public safety.
  - 1. Flight Crews may not self-initiate a response for mutual aid outside the Area of Operation without the approval from the Watch Commander.
- (c) Participation in mutual aid may require a memo to the Chief of Police via Chain of Command, explaining the circumstances and specifics of helicopter involvement.
- (d) Should non-exigent requests for helicopter service be requested, the Watch Commander will advise the requesting agency the aircraft will not respond, unless the requesting agency agrees to reimburse the City of Ontario for the costs of the aircraft response. This agreement by the requesting agency shall be made by that agency's Watch Commander or equivalent. The requesting agency will be advised that the cost for response will be at the prevailing hourly rate (as determined by the City) and billed at 15 minute intervals. All or part of any 15 minute intervals shall be charged at the full 15 minute rate. The Air Support Unit supervisor will be responsible for providing the Watch Commanders of the prevailing rate.
- (e) A memo containing the exact time detailed, duration, requesting agency and commander, location and mission of the helicopter shall be completed by the Watch Commander to the Deputy Chief of Police to facilitate billing of the requesting agency.
- (f) The Area of Operation is generally defined as the cities and unincorporated areas of Ontario, Chino, Upland, Montclair, and Rancho Cucamonga.



## *Obtaining Air Support*

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### II. EXIGENT CIRCUMSTANCES GENERALLY DEFINED

- (a) Immediate life-threatening incidents.
- (b) Incidents that have exhausted the resources of the requesting agency and the helicopter is necessary to insure the safety and proper deployment of ground personnel.

### III. NON-EXIGENT CIRCUMSTANCES GENERALLY DEFINED

- (a) A. Searches.
  - (a) Lost children.
  - (b) Narcotics
  - (c) Surveillance.
  - (d) Hidden suspects.
  - (e) Any other search that, in the past, would normally have been handled by ground personnel.
- (b) In-progress crimes that have no exigent component.
  - (a) Burglary in progress, no shots being fired.
  - (b) Crime scenes and suspects that are sealed and no great danger exist to perimeter personnel.
- (c) Any other circumstance in which a large degree of control has been established and proper ground tactics are in place.

### IV. FLIGHT CREW'S RESPONSIBILITY

- (a) The Flight Crew shall immediately notify the Watch Commander or a Field Supervisor of a self-initiated response for mutual aid. This can be accomplished via radio through Dispatch.
- (b) The Tactical Flight Officer (TFO) shall contact the Watch Commander as soon as practical following a self-initiated response and provide an after action briefing of the incident.
- (c) The Flight Crew will notify the Watch Commander of any request by an outside agency that does not meet the exigent circumstance criteria under Section I (B) or Section II (A, B). The Flight Crew will refer the requesting agency to the Watch Commander for the appropriate approval as per Section I (D).
- (d) The TFO shall document any assistance to an outside agency on the Air Support Unit Activity Log and include the time and location of the incident; nature of the incident, amount of time spent on the incident, the name of the supervisor advised or approving the response to assist, and disposition. The Air Support Unit supervisor shall include

## *Obtaining Air Support*

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this information in the monthly Air Support Unit Activity Report. This report will be submitted to the Captain of the Special Operations Bureau.

- (e) The Flight Crew has the authority and will decline any flight that cannot be conducted within the capabilities or safe operating parameters of the aircraft or crew. The Watch Commander will be immediately notified should a flight crew decline to respond due to flight safety.

### V. WATCH COMMANDER'S RESPONSIBILITY

- (a) The Watch Commander shall determine if a request for the helicopter is an exigent circumstance or non-exigent circumstance. This determination shall not be made by the requesting agency.
- (b) The Watch Commander may abort or modify the response by the Flight Crew.
- (c) The volatile nature of emergency work requires that this policy be utilized as a guide for the Watch Commander in determining the mutual aid response. Watch Commanders must still rely on their good judgment in specific circumstances.

# Field Interviews, Photographing and Fingerprinting of Field Detainees

## 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

## 440.2 DEFINITIONS

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs 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 purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, 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 when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-Down Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable Suspicion** - Occurs 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.

## 440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

## *Field Interviews, Photographing and Fingerprinting of Field Detainees*

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- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

### 440.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Ontario Police Department to strengthen our community involvement, community awareness and problem identification.

### 440.3.2 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 investigators to utilize available personnel for the following:

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

## *Field Interviews, Photographing and Fingerprinting of Field Detainees*

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1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

### **440.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

#### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs, the use of IBIS, and the collecting of known fingerprint samples may be taken when the subject knowingly and voluntarily gives consent.

#### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs, the use of IBIS, and the collecting of known fingerprint samples 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, IBIS and known fingerprint sample 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, IBIS or known fingerprint sample 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.

## *Field Interviews, Photographing and Fingerprinting of Field Detainees*

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If, prior to taking a photograph, IBIS or known fingerprint sample, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph, IBIS or known fingerprint sample should not be taken.

### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs are archived in the "Digital Crime Scene" image management system. Images are kept pursuant to the City of Ontario record retention policy.

### **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 Ontario Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

## *Field Interviews, Photographing and Fingerprinting of Field Detainees*

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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 Ontario Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Ontario 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 Ontario 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.

### **440.9 IBIS (INTEGRATED BIOMETRIC IDENTIFICATION SYSTEM) AND IN-FIELD FINGERPRINTING**

Waiting for information for IBIS and Fingerprinting.

IBIS consent form

# Criminal Organizations

## 442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code § 186.20 through Penal Code § 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

## 442.2 POLICY

**Pattern of Criminal Gang Activity** - The commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

**Criminal Street Gang** - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

**Gang Related Crime** - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

## 442.3 CRIMINAL INTELLIGENCE SYSTEMS

The Gang Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2(a).
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy.
4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.



## *Criminal Organizations*

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(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Unit member and a reasonable basis for believing such affiliation has been established:

1. An individual admits membership in a criminal street gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

### **442.4 TEMPORARY INFORMATION FILE**

The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information.
- (b) Gang name.

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(c) Justification used to identify an individual as a criminal street gang participant.

(d) Vehicle(s) known to be used.

(e) Cross references to other identified gangs or gang members.

### 442.4.1 FILE CONTENTS

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Gang Unit Supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Gang Unit Supervisor.

### 442.4.2 FILE REVIEW AND PURGING

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into a department approved criminal gang intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Division after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Division Supervisor to retain reports and FIs in compliance with the procedures of the department approved criminal gang intelligence database and 28 C.F.R. § 23.20. The Records Division Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

## **442.5 INFORMATION RECOGNITION**

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

## **442.6 RELEASE OF INFORMATION**

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit

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supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

### **442.7 CRIMINAL STREET GANGS**

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

### **442.8 TRAINING**

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) Any suspect and/or witness statements regarding gang affiliation.
- (e) A specific request that a copy of the report be routed to the Gang Unit. Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

### **442.9 ENTRY OF JUVENILES INTO SHARED GANG DATA BASE**

Any person under the age of 18, who is designated as a participant or affiliate of a criminal street gang per Policy Manual 442.3, may be entered into a criminal gang intelligence database as outlined in California Penal Code 186.34.

When the juvenile is entered into the criminal gang intelligence database for the first time, a written notice must be provided to the juvenile and his/her parent or guardian of the designation and the basis of the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of the minor. Subsequent entries into the criminal gang intelligence database will not require subsequent notifications.

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Any juvenile entered into the criminal gang intelligence database before January 1, 2014 does not need to be retroactively notified of designation. Following the notice, the person to be designated as a gang member, associate, affiliate, or his or her parent or guardian, may appeal, in writing, the entry into the criminal gang intelligence database. All appeals will be reviewed by the Gang Unit Supervisor or designee.

If it is determined that the person is not a suspected gang member, associate, or affiliate, the agency shall remove the person from the shared gang database.

The Gang Unit Supervisor or designee shall provide the person and his or her parent or guardian with written verification of the decision within 60 days of submission of the written documentation contesting the designation. The person to be designated as a suspected gang member, associate, or affiliate, or his or her parent or guardian, shall be able to request information as to whether the person has been designated as a suspected gang member, associate, or affiliate.

The Gang Unit Supervisor or designee shall provide that information, unless doing so would compromise an active criminal investigation or compromise the health or safety of the minor. The Gang Unit Supervisor or designee shall not disclose the location of the person to be designated as a suspected gang member, associate, or affiliate to his or her parent or guardian if it is determined there is credible evidence that the information would endanger the health or safety of the minor.

Only information obtained from non-criminal gang intelligence database can be disclosed.

Nothing in this section shall require disclosure any information protected under Section 1040 or 1041 of the Evidence Code or Section 6254 of the Government Code.

## 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 manages each watch.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant or corporal as an acting Watch Commander when operational needs require or training permits.

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## Mobile Data Computer Use

### 448.1 PURPOSE AND SCOPE

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

### 448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

#### 448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### 448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact;
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

#### 448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

## *Mobile Data Computer Use*

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Other changes in status may be entered by depressing the appropriate keys on the MDC's.

### 448.2.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

- (a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.
- (b) Notify the field sergeant and Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

### 448.3 MDC CONSIDERATIONS

#### 448.3.1 NON-FUNCTIONING MDC

Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Dispatch Center. It shall be responsibility of the Dispatch Center to record all information that will then be transmitted verbally over the police radio.

#### 448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.

## 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.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy).

### 450.2 POLICY

The Ontario Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. 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. For distinct policy considerations related to Body Worn Video, refer to Section 451, Body Worn Video System.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

### 450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and 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 a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. 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.

#### 450.4.1 OPERATION OF THE OLYMPUS RECORDER AND ACCESSORIES

Employees issued an Olympus PUMA recorder are responsible for having a complete understanding of the use and operation of the recorder and accessories.

It is recommended that the PUMA recorder be programmed to record at the "conference" setting for field work. This setting optimizes the ability to record at greater distances in varied directions.



## *Portable Audio/Video Recorders*

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The recording mode (speed) is controlled through the menu setting options and should be programmed to record at the "SP" setting. This setting maximizes the recorders ability to record information with greater clarity.

Personnel should become familiar with the digital recorders time allotments for recording, and battery life indicators. Each recorder is issued with a 64MB and 16MB Smart Media card. These are the memory cards that store recorded data. The 64MB shall be the primary card used, with the 16MB card kept as back-up. The 64MB Smart Media card programmed to the mode setting of "SP" will provide approximately ten and one-half (10 ) hours of recording time. Additional Smart Media cards may be provided by the Department.

Each recorder has the capability to record contacts within any of the 3-separate file folder settings, A, B, or C. Recordings can be made in any of the file folder settings regardless of the type of event.

To ensure proper managing of the recorded data, it is necessary for personnel to create separate files for each new contact. Each "event" is time-stamped at the beginning and end of every new-recorded file. Continuous recording of numerous separate events under one "file" should not be made.

### **450.5 ACTIVATION OF THE AUDIO RECORDER**

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

#### **450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the [Department/Office] 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/office] member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### **450.5.2 RECORDED DATA STORAGE/RETRIEVAL PROCEDURE**

All personnel issued a recorder will be responsible for downloading their recordings into the Department's computer system as soon as practical in order to "free-up" additional memory storage availability on their internal media or internal memory cards. It is recommended that the downloading of the recorded data be done on a daily basis.

When \_\_\_\_\_ an \_\_\_\_\_ audio/  
video recording is evidence or part of a criminal investigation, the recording shall be downloaded at the time the

## *Portable Audio/Video Recorders*

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It may be periodically necessary for personnel to retain the recordings in order to assist them in completing an investigation, however, personnel should normally download their recordings before beginning their scheduled days off, or other scheduled time-off, such as vacations, holidays, or special assignments. This will provide investigators a timely access to recorded information.

A number of designated stations equipped with universal serial bus connectors (USB) to facilitate the downloading of recorded data are located throughout the Department.

To download recorded data into the Department server, personnel will need to do the following:

- (a) Log onto a designated computer with a USB connector.
  - (b) Plug the USB connector into the PUMA recorder.
  - (c) Find and open (double click) the icon, "PUMA" (this will bring up a log-on screen).
  - (d) Enter employee identification number and individual password, and then click on "enter." This will facilitate logging onto the system and bring up the "transfer" screen.
- The downloading of all recorded data will automatically occur and will be removed from the recorder. The downloaded data will be displayed in the column titled "files in folder." Downloading data is sorted chronologically in numerical order. Editable demographics specific to each recorded file can be entered by clicking on and highlighting the individual numbered file folder contained in the "files in folder" column.
  - A DR# will be used to name each downloaded audio/video file. When a DR# will not be assigned to an incident (where audio/video exists) a Police Incident Number will be used to name the audio/video file for reference.
  - After completing the addition of editable demographics for each numbered file folder, click on, "process all" to transfer all recorded data to the file management system.
  - Personnel will have access to their recorded data in the system and can conduct a search of their account through the "search" option.

Once the download of data has been completed, users must log off the system by clicking on "log off."

Records Supervisors will serve as the "custodian of records" for all stored digital recordings. Requests for "certified" copies of recordings will be routed to the Records Bureau, using the Digital Recording Request form. Only "certified" copies will be offered as evidence in any legal proceedings. Public Records Request for digital recordings will be forward to the City Clerk's Office per current policy.

### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

## *Portable Audio/Video Recorders*

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Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a 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.

### **450.7 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

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.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

#### **450.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

### **450.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

### **450.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, 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.

## *Portable Audio/Video Recorders*

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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 Release of Records and Information Policy.

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## Body Worn Video System

### 451.1 PURPOSE AND SCOPE

(a) To provide policy and procedure for the use of the Body Worn Video (BWV) including both the audio and video recording of field activity in the course of official police duties.

(b) The use of the portable video recording system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

### 451.2 REQUIRED USERS

The Ontario Police Department has provided designated personnel with portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the department by accurately recording contacts between members of the department and the public.

The following personnel are required to carry and wear the BWV system in an approved manner while on duty. These guidelines are specific to the ranks of Lieutenant through Officer.

- All sworn personnel working patrol, whether as a regular assignment or in an extra duty/overtime status.
- All sworn personnel working in an enforcement capacity while wearing the department uniform. This applies to all extra duty and overtime assignments.
- All sworn personnel serving a search warrant are recommended to utilize the BWV unless the use of the BWV compromises the identity of undercover officers or jeopardizes tactics. Officers not wearing the BWV during search warrants must have prior approval from their Shift/Division Lieutenant.
- Any other employee deemed appropriate by their supervisor.

The term "personnel," "employee," and "officer" may be used interchangeably without altering the intended meaning of this policy.

### 451.3 PROCEDURES

A. Unauthorized use, duplication, and/or distribution of BWV files are prohibited. Personnel shall not make copies of any BWV file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWV files.

B. All recorded media, images and audio from the BWV are property of the Ontario Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

## *Body Worn Video System*

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C. The BWV shall not be used to record non-work related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or rest rooms.

D. Officers should be aware of certain circumstances when operating the BWV may not be appropriate such as:

1. In a hospital emergency room where privacy of patients, including patients not part of the officer's call, should be considered.
2. Anytime a person's private health information is being discussed.
3. Ambulance responses to accidents and illnesses when victims are not involved in any criminal activity.
4. When the use of the BWV causes emotional distress to a victim of a crime, such as a rape victim.

E. Personnel will use only the BWV system issued and approved by the department for official police duties. The wearing of any other personal video recorder for the same purpose is not authorized without permission of the Chief of Police.

F. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWV.

G. There are many situations where the use of the BWV is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers should activate the system anytime they feel its use would be appropriate and/or valuable to document an incident.

H. Unless it is unsafe or impracticable to do so, or mechanical issues that impede the use of the device are present, officers should make every reasonable effort to activate their BWV cameras prior to making contact in of the following incidents:

1. Enforcement encounters where there is a reasonable suspicion that a person is involved in criminal activity or a violation of the law. This includes, but is not limited to dispatched calls, self-initiated activities, traffic stops, pedestrian checks or any other investigative or enforcement encounter.
2. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.
3. Officers may activate the BWV before or during any other incident at their discretion.
4. An officer shall have the latitude to terminate the recording when there is nothing of evidentiary value occurring. It shall be deemed a violation of this policy for an officer to fail to activate the device or intentionally terminate a recording in order to commit a violation of law or department policy.

## *Body Worn Video System*

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5. Officers shall not use the BWV recording functions to record any personal conversation of/or between another department employee without the recorded members/employee's knowledge or permission.

I. Officers are not required to obtain consent from a private person when:

1. In a public place.
2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).
3. Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and will not interfere with the investigation or officer safety.

### **451.4 NOTIFICATION OF RECORDING**

- (a) Officers should be aware of other privacy issues relating to a person's place of residence and/or other areas where there could be an expectation of privacy
  1. Upon initial contact with the private persons at a private residence, Officers should make a reasonable attempt to notify them that the BWV is present before entering the residence unless the officer enters the residence because of a warrant or exigent circumstances. While notification is advised, Officers legally inside of a private residence for the purpose of investigating a crime are not required to turn the BWV off simply because the owner of the residence demands it.
  2. 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).

### **451.5 CAUTIONS WHEN RECORDING**

A. Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped and returned to the buffering mode during significant periods of inactivity such as report writing or other breaks from direct participation in an incident.

B. Personnel should use caution when recording conversations, where the recording of an individual, informant, or witness who would otherwise remain unknown, and where such recording could compromise an investigation or subject a person to unreasonable risk. Personnel should also consider that the use of video may be sensitive at times and should take care, when practical, to avoid recording sensitive images. Such images, when they are captured, should be designated to a sensitive material category when uploaded.

## *Body Worn Video System*

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### **451.6 RESPONSIBILITIES**

#### **A. System Administrator**

The system administrator (s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

1. Operation and user administration of the system.
2. System evaluation.
3. Training.
4. Policy and procedure review and evaluation.
5. Coordination with IT regarding system related issues.
6. Ensure BWV files of evidentiary value are secure and retained per this policy.
7. Ensure BWV files are reviewed and released in accordance with federal, state, local statutes and the City of Ontario/ Ontario Police Department retention policy.

#### **B. Supervisory**

1. Supervisors will ensure officers utilize the BWV according to the policy guidelines.
2. Supervisors must obtain Lieutenant approval prior to reviewing any video other than their own. If no Lieutenant is working, they must notify a Lieutenant that the video was reviewed and document the approving supervisor and reason for review in the notes box attached to the recording in evidence.com.
3. Supervisors shall ensure videos related to the critical incidents are uploaded to Evidence.com.
4. Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWV. In those circumstances where a complaint is resolved with no further action needed, the video shall remain stored in the original designated category. If the video is needed for further review, the supervisor shall add the category of "Pending Review". Once the complaint is resolved, the category of "Pending Review" shall be removed.
5. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of researching for violations of department policy or law not related to a specific complaint or incident. Supervisors may review video recordings related to a specific complaint or incident.

#### **C. Personnel utilizing the BWV shall be responsible for the following:**

1. Ensuring the battery on the controller is fully charged daily and operating properly.
2. Immediately reporting unresolved equipment malfunctions and/or problems to their supervisor.



## *Body Worn Video System*

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3. Monitoring system effectiveness and making recommendations for operational improvement and policy revision.

a. Documenting the use of the BWV on one of the following:

1. On the police report/computer entry.
2. As a notation on the citation.
3. On a field interview card.

Note: Officers should continue to prepare reports in the same manner as prior to the implementation of this camera system. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as "in summary the victim related".

b. Once a video of evidentiary value is captured, officers shall identify BWV files by:

1. Noting the OPD case number in the Case ID Field, if applicable.
2. Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event etc.
3. Selecting the appropriate category(s).
4. The information may be entered via hand held device, MDC, or OPD computer work station.
5. Officers completing written reports shall indicate whether a video was captured during an incident. This shall be accomplished by indicating on the first line of each report whether or not a Body Worn Video was utilized. Example: \*\* Body Worn Video : Yes. \*\* Or \*\*Body Worn Video : No\*\*

### **451.7 OPERATION**

A. Officers shall wear a BWV camera that is turned on in the buffering mode during their normal course of duty.

B. Officers shall test the BWV equipment prior to going into service and insure the unit is properly charged. Officers shall position the camera on their uniform to facilitate optimum recording field of view. That the camera should be positioned in the center of the chest, below the top of the pockets or worn on the duty belt.

C. Officers shall dock their issued camera for automated upload of BWV data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video. Specialized units may dock their camera at their desk computer with prior approval by their unit supervisor.

D. Officers operating Department Motorcycles may dock their camera at the end of their shift and then take their assigned motorcycle home. It will be the responsibility of the officer to pick up their

## *Body Worn Video System*

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camera as soon as practical at the beginning of their next shift. It is recognized that traffic officers may make enforcement stops to and from work which may result in those stops not being recorded.

E. Officers assigned to the K9 unit should dock their BWV at the end of their shift. It will be the responsibility of the officer to pick up their BWV as soon as practical at the beginning of their next shift.

F. It is recognized that officers who are subject to call out may respond directly to a scene and will not have access to their BWV prior to responding. Those officers should pick up their BWV as soon as practicable.

G. Officers performing special assignment or off site overtime may choose not to return to OPD after their shift. Those officers shall dock their BWV upon return to OPD at the beginning of their next shift. If necessary they can use a spare battery until their battery is sufficiently charged.

H. For the purpose of maintaining personal privacy, personnel may deactivate the BWV by switching the battery to the off position during designated breaks such as a restroom break. Personnel should reactivate their BWV to the buffering mode upon returning to an active status.

### **451.8 REVIEW OF FILES**

A. Although the data captured by the BWV is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. (Departmental Policy 812 – Criminal Offender Record Information). All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Members authorized under this policy may review video according to the provisions of this policy.

Note: Evidence.com automatically time/date stamps and records each access by officer name.

B. Members shall not access or make copies of BWV files for non-official use.

C. Once uploaded into Evidence.com, members may view their own BWV files as it relates to:

1. Their involvement in a incident for the purpose of completing a criminal investigation and preparing official reports.
2. Prior to courtroom testimony or for courtroom presentation.

3. Critical Incidents: Officers are encouraged to consult legal representation and may review their video prior to providing a statement pursuant to an administrative inquiry, including an officer involved shooting investigation.

a. When safe and practical, an on scene supervisor may retrieve the BWV Camera from the involved officer(s) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded to Evidence.com.

b. Following a time sensitive critical incident, a video may be viewed prior to being uploaded in Evidence.com.

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- c. When exigent circumstances occur, such as an officer being injured and to obtain identifying suspect information or other pertinent information.
- d. To allow investigators, such as Internal Affairs personnel, to view the video in order to assist in an investigation.
- 4. For potential training purposes, so long as the video will not be used for disciplinary purposes.
  - a. Evidence.com shall only be accessed for official work related use.

### **451.9 BWV FILES REQUEST**

#### A. Departmental Requests

- 1. Any request shall be completed by the assigned case agent with supervisor approval.

#### B. Non-Departmental Requests

- 1. All other requests for a BWV file shall be accepted and processed in accordance with federal, state, local statutes and departmental policy (public records act, etc.) as set forth in Departmental Policy 810 – Records Release and Security.
- 2. Media inquires and/or requests shall be received and processed in accordance with Departmental Policy 346 – Media Relations.
- 3. All Non-departmental requests shall be approved by the Chief of Police or designee.

#### C. Request for Deletion of Accidental Recording

- 1. In the event of an accidental activation of the BWV where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWV file be deleted by submitting an email request with sufficient information to locate the BWV file to the Shift/Division Lieutenant. The Shift/Division Lieutenant shall review the file, approve or deny the request and forward to the System Administrator for action.

#### D. Copying Procedures

- 1. Copying of videos from Evidence.com will be done on a very limited basis. Requests to share video evidence made by the District Attorney's office or allied agencies should be done electronically through evidence.com unless a special circumstance arises. If the recording is downloaded to a device/cd, a note shall be attached to the recording in evidence.com stating the purpose for the download and the supervisor authorizing the download/copying.

#### E. Investigators Conducting Criminal or Internal Investigations shall:

- 1. Advise the System Administrator to restrict access/public disclosure of the BWV file in criminal or internal investigations, when necessary.

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2. Document the reason for access by entering the related DR or IA Case Number on the BWV "NOTES" field prior to viewing.
3. Review the file to determine whether the BWV file is of evidentiary value and process in accordance with established procedures.
4. Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.

F. A BWV file may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a BWV file for such purpose may come from any source.

1. A person recommending utilization of a BWV file for the training purposes shall submit the recommendation through the chain of command to the Division Commander or his designee.
2. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to the Chief of Police or his designee to determine if the employee's objection outweighs the training value.
3. After a meeting with the affected employee and his/or chosen OPOA representative, the Chief of Police or designee shall review the recommendation and determine how best to utilize the BWV file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g. Departmental policy, training bulletin, officer safety bulletin, briefing or other training).

### **451.10 CATEGORY AND RETENTION**

1. Employees utilizing the BWV shall identify each video by category. Retention periods are established by the Chief of Police in accordance with state and federal mandates.

- (a) Uncategorized
- (b) 5150 WIC
- (c) Accidental Camera Activation
- (d) Call for Service-PIN-Medical-Incident Rpt
- (e) CPS/APS Report
- (f) DA Filed
- (g) Death Investigation, Non-Homicide
- (h) Felony Case / Arrest
- (i) Gang FI
- (j) Homicide
- (k) Misdemeanor Case / Arrest
- (l) Pending Review

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- (m) SB 1421 CASES - ADMIN USE ONLY
- (n) Sensitive Material
- (o) Taser Maintenance
- (p) Traffic Collision - Fatality
- (q) Traffic Collision, Non-injury / Injury
- (r) Traffic Stop-Ped Check-or FI,
- (s) Training Demo

### **451.11 REPAIR PROCEDURE**

A. Personnel shall immediately report any recognized problems with the BWV to their immediate supervisor.

B. Upon notification, the supervisor shall contact the Training Coordinator or System Administrator stating the problem or malfunction.

C. The Supervisor shall send the defective equipment to the Training Division for service and issue a spare BWV to the user.

D. The Training Coordinator or System Administrator or designee will report unresolved deficiencies to TASER International via web based support at <http://www.taser.com/support/contact-us> by completing the required information on-line and describing the issue or defect in detail in the "Message" window provided.

E. Provide the serial number of the unit needing service or repair and identify the unit as a TASER Axon Flex body worn camera or battery pack as appropriate. A TASER representative will contact the OPD BWV System Administrator for resolution.

## 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).

## *Medical Marijuana*

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### **452.2 POLICY**

It is the policy of the Ontario 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 Ontario 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.

## *Medical Marijuana*

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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.



## Medical Marijuana

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4. Other relevant factors, such as available [department/office] 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 FORENSICS AND EVIDENCE DIVISION SUPERVISOR RESPONSIBILITIES**

The Forensics and Evidence Division 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 Forensics and Evidence Division 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 Forensics and Evidence Division 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 Forensics and Evidence Division supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

# Bicycle Patrol

## 454.1 PURPOSE AND SCOPE

The Ontario Police Department utilizes Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the officer's supervisor or the Watch Commander.

## 454.3 TRAINING

Officers deploying bicycles must complete an initial Department approved bicycle-training course. Thereafter bicycle patrol officers should receive in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

## 454.4 UNIFORMS AND EQUIPMENT

Bicycles officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is required.

The bicycle uniform consists of the standard short sleeve uniform shirt or black Coolmax® type shirt with department approved badge and patches and black bicycle patrol pants or shorts with uniform appearance.

Officers working Bicycle Patrol for limited assignments will have their uniform/equipment approved by the Bicycle Patrol Supervisor or his designee prior to going into service.

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Optional equipment that is permitted with the approval of the supervisor or his designee includes: a jacket in colder weather, an all black hydration pack, a radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

### **454.5 CARE AND USE OF PATROL BICYCLES**

Officers will utilize a specially marked and equipped patrol bicycle with attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

### **454.6 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such

## *Bicycle Patrol*

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operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

## Foot Pursuits

### 458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 458.2 DECISION TO PURSUE

The safety of [department/office] members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and [department/office] members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place [department/office] members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

## *Foot Pursuits*

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### **458.3 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the [dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to [department/office] members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

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### **458.4 RESPONSIBILITIES IN FOOT PURSUITS**

#### **458.4.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the [dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### **458.4.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

#### **458.4.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established [department/office] guidelines.



## *Foot Pursuits*

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The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

### **458.4.4 THE DISPATCH CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the [dispatcher is responsible for:

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

### **458.5 REPORTING**

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

### **458.6 POLICY**

It is the policy of this [department/office] that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to [department/office] members, the public or the suspect.

*Foot Pursuits*

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Officers are expected to act reasonably, based on the totality of the circumstances.

## Automated License Plate Readers (ALPRs)

### 462.1 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.

### 462.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Ontario Police Department to convert data associated with vehicle license plates 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, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Special Operations Bureau Commander. The Special Operations Bureau Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 462.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. [Department/Office] 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) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this [department/office] shall operate ALPR equipment or access ALPR data without first completing [department/office]-approved training.
- (e) No ALPR operator may access [department/office], state or federal data unless otherwise authorized to do so.
- (f) 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.

## *Automated License Plate Readers (ALPRs)*

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### **462.4 DATA COLLECTION AND RETENTION**

The Special Operations Bureau Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### **462.5 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Ontario 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/office]-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

### **462.6 POLICY**

The policy of the Ontario Police Department is to utilize ALPR technology to capture and store digital 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/office]. Because such data may contain confidential information, it is not open to public review.

### **462.7 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.

## *Automated License Plate Readers (ALPRs)*

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3. The intended purpose of obtaining the information.
  - (b) The request is reviewed by the Special Operations Bureau 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).

### **462.8 TRAINING**

The Training Sergeant should ensure that members receive [department/office]-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

# NALOXONE

## 463.1 PURPOSE AND SCOPE

Ontario Police Department Personnel are occasionally the first responders to a person who is experiencing or suspected of experiencing an opioid-related overdose. The purpose of this policy is to provide Ontario Police Department Personnel, herein referred to as OPD Personnel, with guidelines to utilize Naloxone (Narcan) as part of an “Overdose Prevention Program.” The objective is to reduce injuries and fatalities resulting from opioid overdose, in the instances where emergency medical personnel have not yet arrived.

## 463.2 POLICY

It is the policy of this department that Sworn Officers shall be trained to administer Naloxone in accordance with state law, local EMS Agency (ICEMA) guidelines, and mandated training guidelines as determined and established by Emergency Medical Services Authority and Inland Counties Emergency Medical Services Agency (EMSA/ICEMA) pursuant to Health & Safety Code 1797.197 and California Civil Code 1714.22.

- (a) Only OPD Personnel who are trained in accordance with mandated training guidelines may be issued Naloxone kits. However, OPD Personnel will retain the discretion to administer or not administer Naloxone to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal obligation to administer Naloxone.
- (b) OPD Personnel, who administer Naloxone, are protected from civil and criminal liability if they “Act with Reasonable Care” and “In Good Faith.” This is accomplished by administering Naloxone according to established training protocols.
- (c) All Sworn Officers will be trained in accordance with the mandated training guidelines; However, if an Officer has valid reason for not participating in the program, such as religious objectives, the Officers will be excused from checking out a Naloxone kit.

## 463.3 PROGRAM COORDINATOR

The Training Sergeant will serve as the Department’s Program Coordinator and will work in collaborating with the EMSA/ICEMA. The Program Coordinator’s responsibilities will include:

- (a) Ensuring that the Naloxone kits are current and not past the expiration date.
- (b) Ensure proper and efficient deployment of Naloxone for field use.
- (c) Ensure that authorized OPD Personnel are adequately trained in use and storage.
- (d) Ensure that any use of Naloxone on a subject is documented properly.
- (e) Replace Naloxone kits that are damaged, unusable, expired, or used.
- (f) Ensure the Nurse Administrator of the Ontario Fire Department is notified when an OPD Personnel has administered Naloxone

## NALOXONE

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### **463.4 TRAINING**

#### **INITIAL TRAINING**

OPD Personnel may not administer Naloxone without the completion of the approved mandated training by EMSA/ICEMA. All participating OPD Personnel will receive initial training that will include, at a minimum, an overview of California Civil Code 1714.22, patient assessment (signs/symptomology of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone. Upon completion of training, OPD Personnel will have their training recorded with the Training Bureau.

#### **CONTINUING TRAINING**

OPD Personnel will receive refresher training as deemed appropriate by EMSA/ICEMA. This training will be conducted in conjunction with the OPD BLS/CPR training every two years.

### **463.5 NALOXONE DEPLOYMENT**

The Department will issue Naloxone kits to OPD Personnel as deemed appropriate by the Chief of Police or his/her designee who have received the required training. The Naloxone kits are intended for on-duty use.

### **463.6 NALOXONE KITS**

OPD Personnel that have been issued a Naloxone kit should deploy with the kit during their shift. Naloxone kits will include at a minimum: gloves, CPR mask, and Naloxone. Naloxone should be checked monthly for expiration.

#### **NALOXONE STORAGE**

Naloxone kits will be stored in locked storage when not in use. Shift supervisors will ensure the kits are checked out/in. This will be documented in the Naloxone Log by each OPD Personnel and supervisor. Naloxone kits should not be kept in vehicles beyond the end of an officer's shift. Kits should not be stored in vehicle trunks since high temperatures can degrade Naloxone effectiveness.

#### **MAINTENANCE AND REPLACEMENT**

It is the responsibility of all OPD Personnel to ensure their respective kits are properly supplied and serviceable prior to each shift. OPD Personnel working patrol shall ensure kit readiness for deployment prior to their patrol shift. Used, lost, or damaged Naloxone kits will be reported to the immediate supervisor and returned to the Training Coordinator for replacement.

### **463.7 NALOXONE INDICATIONS AND USE**

OPD Personnel who have completed mandated Naloxone training by EMSA/ICEMA are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Information that a subject is suffering from an opioid overdose includes, but not limited to:

## NALOXONE

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- (a) Pinpoint pupils, even in a darkened environment
- (b) Depressed or slow respirations
- (c) Shallow/slow breathing or absent breaths
- (d) Blue skin, lips, or fingernails
- (e) Decreased pulse rate
- (f) Low blood pressure
- (g) Loss of alertness
- (h) Unresponsiveness
- (i) Evidence of ingestions, inhalation, and injection (needles, spoons, tourniquets, needle tracks, bloody nose, etc.)
- (j) Blood-shot eyes
- (k) Past history of opioid use/abuse

OPD Personnel will treat the incident as a medical emergency and shall follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding
- (b) Maintain universal precautions
- (c) Perform patient assessment
- (d) Determine unresponsiveness
- (e) Update dispatch of potential overdose state
- (f) Follow Naloxone use protocol outlined in training
- (g) Immediately notify responding emergency medical personnel that Naloxone has been administered
- (h) Notify their Supervisor as soon as reasonable
- (i) Notify the Training Bureau for a kit replacement

### **463.8 DOCUMENTATION/NALOXONE REPORTS**

Upon completion of the incident, the OPD Personnel administering the Naloxone shall complete a police report detailing the nature of the incident, the care the patient received, the fact Naloxone was deployed, and what emergency medical personnel the patient was released to.

In the case where a non-sworn employee administers Naloxone, the non-sworn employee and their immediate field supervisor shall complete a police report detailing the nature of the incident, the care the patient received, the fact Naloxone was deployed, and what emergency medical personnel the patient was released to. These reports require that the OPD Naloxone Report Form is completed and attached.

### **REPORTING RESPONSIBILITY**



## *NALOXONE*

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The OPD Naloxone Report Form will be forwarded to the Nurse Administrator of the Ontario Fire Department to ensure the proper documentation of Naloxone use and notification to ICEMA. Notification to the Nurse Administrator should occur within 24 hours of Naloxone usage.

## Homeless Persons

### 464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Ontario Police Department recognizes that members of the homeless community are often in need of special protection and services. The Ontario Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

#### 464.1.1 POLICY

It is the policy of the Ontario Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

### 464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

## *Homeless Persons*

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### **464.3 FIELD CONTACTS**

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

#### **464.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

### **464.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a

## *Homeless Persons*

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supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

### **464.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

### **464.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

## Civil Disturbance (Large Parties/Noise Disturbance)

### 465.1 PURPOSE AND SCOPE

It is the intent of OMC 4-12.01-.12, and specifically subsection .07, for police to be able to effectively and efficiently deter and/or stop large parties/noise disturbances during an initial response rather than absorbing police resources on multiple calls for service to the same location without a final resolution.

The amended OMC will allow for immediate citation of persons who violate the ordinance, with an initial fine of \$250 (not to exceed \$1000 and/or 6 months in jail) and requires only observations of the officer on-scene to support documentation of the violation(s).

When a large party occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the persons responsible for the large party will be held liable. All observations are by the responding officer, a citizen complaint is not necessary. The following are the specific violations of permitting any noise disturbance that is:

(a) Plainly audible across property boundaries; (b) Plainly audible through partitions common to two residents within a building; (c) Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 a.m. and 10:00 p.m.; or (d) Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 p.m. and 7:00 a.m.

A gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and state statutes such as: Ontario Municipal Code ("OMC") sections governing excessive noise, Cal. Penal Code §§ 415 and 416 (Breach of the Peace); Cal. Penal Code §§ 374 et seq. (Litter); Cal. Penal Code § 647(f) (Public Intoxication/Obstruction of Public Way); Cal. Business & Professions Code § 25658 (Selling Alcohol to Minors), Cal. Vehicle Code § 23224 (Possession of Alcoholic Beverage in Vehicle, Persons Under 21); Cal. Penal Code

#### 465.1.1 PENALTIES AND FINES

Penalties, Fines, and Appeal Process: First violation in a 180 day period: Infraction (\$250 fine). Additional violations in 180 days: Misdemeanor (\$1000 fine and/or 6 months in jail). \*\*Warning/"Party Cards" may be issued at officer's discretion.\*\*

The citation (infraction or misdemeanor) will be issued via OPD "Notice to Appear" with a specified date and time.

Persons wishing to contest the citation may do so at court; process will be similar to Traffic Citation/Court process.

## *Civil Disturbance (Large Parties/Noise Disturbance)*

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### 465.1.2 REPORTING

Required documents of violation:

1. A signed "Notice to Appear" citation.

a) When annotating the specific violation, be sure to write the subsection exactly as it appears in OMC 4-12.07 [e.g. 4-12.07(a), 4-12.07 (b), etc.].

b) Court date and time as specified in the Court Calendar; a misdemeanor violation requires a court date for either a Tuesday or Wednesday/ 12:30pm for City Attorney prosecution.

2. A complete OPD Loud Party, Gathering and Events Report.

a) This form will be available in the report writing room.

By the end of shift, submit the completed form and citation to the "COPS" box in the mail annex.

## Civil Disputes

### 466.1 PURPOSE AND SCOPE

This policy provides members of the Ontario Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

### 466.2 POLICY

The Ontario Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 466.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## *Civil Disputes*

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### **466.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor.

### **466.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### **466.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.



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## First Amendment Assemblies

### 467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 467.2 POLICY

The Ontario Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

### 467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe [department/office] members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

## *First Amendment Assemblies*

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### 467.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### 467.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### 467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 467.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

## *First Amendment Assemblies*

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 467.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

## *First Amendment Assemblies*

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### **467.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

### **467.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### **467.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

## *First Amendment Assemblies*

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **467.8 ARRESTS**

The Ontario Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

### **467.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

### **467.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

## *First Amendment Assemblies*

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### **467.11 DEBRIEFING FOR SIGNIFICANT EVENTS**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

#### **467.11.1 AFTER-ACTION REPORTING FOR SIGNIFICANT EVENTS**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **467.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

## Medical Aid and Response

### 468.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

### 468.2 POLICY

It is the policy of the Ontario 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 and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex and age, if known.
  4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

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.

## *Medical Aid and Response*

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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 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.

#### **468.5.1 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 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.



## *Medical Aid and Response*

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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.

### **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 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Field Operations Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the [Department/Office] should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One [department/office] member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.

*Medical Aid and Response*

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- Ensure that no one smokes near the aircraft.

# Tourniquet

## 469.1 POLICY

The Ontario Police Department has distributed tourniquets to all sworn personnel as part of an officer safety and crisis response strategy. Tourniquets are designed to treat severe wounds to arms and legs with severe bleeding. The application of a tourniquet may be the best initial option to control severe extremity bleeding especially when a person has signs of hypovolemic shock (caused by blood loss).

## 469.2 TOURNIQUET DISTRIBUTION AND TRAINING

- A. Personnel will receive training prior to tourniquet distribution. Tourniquet training will then be conducted bi-annually in conjunction with First Aid/CPR training.
- B. The tourniquet shall be carried while on duty and be readily available. It will be brought to First Aid/CPR Training and Firearms Training.
- C. The tourniquet will be maintained in good working condition and kept clean.

## 469.3 TOURNIQUET APPLICATION AND REPORTING

1. POSITION THE TOURNIQUET – Apply directly to the skin as high on the injured limb as possible. If bleeding is not controlled with the first tourniquet, apply a second tourniquet side-by-side with the first.
2. PULL THE STRAP THROUGH BUCKLE – Route the tag end of the strap through the buckle, if necessary. Pull the strap tightly and secure it in place.
3. TWIST THE ROD – Tighten the tourniquet by twisting the rod until the flow of bleeding stops and secure the rod in place. Do not cover the tourniquet with clothing.
4. RECORD THE TIME – Note and record the time that you applied the tourniquet and give this information to responding EMS personnel.

NOTE: The use of a tourniquet other than the one issued is permissible to prevent loss of life in extreme circumstances. Other approved models are; Combat Application Tourniquet (C-A-T) Swat-T or Soft-T (Tactical Medical Solutions).

Always follow universal precautions for blood-borne pathogens and the manufacturer's instructions when applying a tourniquet. (Lexipol 1016.2)

## 469.4 REMOVAL/DISPOSAL OF TOURNIQUET

Once the tourniquet has been applied it should only be removed and disposed of by hospital personnel. Tourniquets exposed to blood should not be reused and disposed of properly.

## *Tourniquet*

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### **469.5 DOCUMENTATION OF USE AND REPLACEMENT OF TOURNIQUET**

A. The use of a tourniquet will be documented in an Incident Report describing the reason for its use.

B. Claims for replacements of a tourniquet require the officer to prepare a memorandum to their immediate supervisor. The memorandum will include:

1. Officer's name
2. Date and time of the incident.
3. Location of occurrence.
4. A brief description of the incident.
5. A copy of the Incident Report.

C. Personnel will provide a copy of the memorandum to the training division for issuance of a replacement tourniquet.

# Suspicious Activity Reporting

## 470.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 470.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 470.2 POLICY

The Ontario Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 470.3 RESPONSIBILITIES

The Investigations Bureau Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigations Bureau Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

## *Suspicious Activity Reporting*

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

### **470.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

### **470.5 HANDLING INFORMATION**

The Records Division will forward copies of SARs, in a timely manner, to the following:

- Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees

## **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 Ontario Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:



## *Traffic Function and Responsibility*

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### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

### 500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

## **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

## **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).

## *Traffic Function and Responsibility*

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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.

### 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

High-visibility vests have been issued to required personnel. It is the responsibility of those issued high-visibility vests, to maintain and have the vests available for use during working hours.

A supply of high-visibility vests will be maintained in the Training Division for replacement of damaged or unserviceable vests.

## Traffic Collision Reporting

### 502.1 PURPOSE AND SCOPE

The Ontario 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 Training Division will be responsible for distribution of the Collision Investigation Manual. The Traffic Lieutenant/Sergeant will receive all changes in the state manual and ensure conformity with this policy.

### 502.3 TRAFFIC COLLISION REPORTING

The Ontario 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.

All traffic collision reports shall be submitted to the Traffic Services Division through the Crossroads report writing system. Handwritten reports or reports generated through other means will not be accepted. All report criteria, timeliness, and correction procedures shall adhere to the guidelines specified in Report Preparation Policy #344. The Traffic Services Division is responsible for the tracking and review of all Traffic Collision Reports.

### 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 or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

#### 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 Ontario Police Department resulting in a serious injury or fatality, the Traffic Lieutenant/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.

## *Traffic Collision Reporting*

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### **502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Traffic Lieutenant/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.

### **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. An Incident 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 to any persons involved in the collision
- (b) When there is an identifiable violation of the Vehicle Code
- (c) When a report is requested by any involved driver

### **502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION**

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Lieutenant/Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Services Division. In the absence of a Traffic Lieutenant/Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

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## 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 Ontario Police Department. Nothing in this policy shall require the [Department/Office] to tow a vehicle.

### 510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

#### 510.2.1 VEHICLE STORAGE REPORT

[Department/Office] 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 to be given to the tow truck operator and the original shall be submitted to the Records Division as soon as practicable after the vehicle is stored.

#### 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 the Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the [Department/Office] 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 Ontario Police Department. The officer will then store the vehicle using a CHP Form 180.

#### 510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this [department/office] to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

## *Vehicle Towing and Release*

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the [Department/Office] will not be responsible for theft or damages.

### 510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

### 510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the [Department/Office] 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.

### 510.2.6 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.

## *Vehicle Towing and Release*

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### 510.2.7 RECORDS DIVISION 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 Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this [Department/Office].
- (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.

### 510.3 TOWING SERVICES

The City of Ontario Police Department 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 a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the [Department/Office] against fraudulent claims of lost, stolen, or damaged property.

## *Vehicle Towing and Release*

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### **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/Office] will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
  - 1. The vehicle was stolen.
  - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
  - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
  - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without



*Vehicle Towing and Release*

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requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

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## 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 Ontario 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 Lieutenant or his/her designee will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

## *Vehicle Impound Hearings*

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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 Bureau Commander. The hearing officer will recommend to the appropriate Bureau Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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## 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 Ontario 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 INVESTIGATIONS

officers

The Traffic Lieutenant or their designee will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results (If applicable)
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

### 514.4 FIELD TESTS

The Traffic Lieutenant or their designee should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 514.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

## *Impaired Driving*

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- (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.

### 514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

### 514.5.2 BREATH SAMPLES

The Traffic Lieutenant or their designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood 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)).

## *Impaired Driving*

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### 514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 514.5.4 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

### 514.5.5 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

### 514.5.6 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

## **514.6 REFUSALS**

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.

## *Impaired Driving*

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- (c) Document the refusal in the appropriate report.

### 514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

### 514.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing, the restraint chair or similar restraint.
  - 2. Officers will only use force which reasonably appears necessary to overcome the resistance to the blood draw.
- (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.

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### 514.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

### 514.7 RECORDS DIVISION RESPONSIBILITIES

The Administrative Officer or their designee will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### 514.8 ADMINISTRATIVE HEARINGS

The Administrative Officer or their designee will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Supplemental reporting:

Specific details of the hearing generally should not be added to the original report unless errors, additional evidence or witnesses are identified.

### 514.9 ARREST AND INVESTIGATION

#### 514.9.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

#### 514.9.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall complete the following and forward it to the Records/Evidence Division for processing (Vehicle Code § 23612):

- (a) 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) A sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) The chemical test sample to the Evidence Division for the appropriate forensic laboratory if the person submitted to a blood or urine test.



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## Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

The Traffic Supervisor shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Division 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 Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Supervisor may request the Special Operations Bureau 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 Special Operations Bureau Commander for review.

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. It is the responsibility of the issuing officer to ensure all copies of a voided paper citation are retained and discarded appropriately. When an electronic citation is voided, the issuing officer shall document an appropriate reason for voiding the citation and ensure the citation is not forwarded to the court.

### 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 notice of correction to the Records Division. The Records Division shall process the citation and forward to the court having jurisdiction. The Records Division shall also forward a letter to the recipient of the citation notifying them of the correction.

## *Traffic Citations*

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### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Records Division for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Division.

### **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:

- (a) Administrative reviews are conducted by the Traffic Division who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Division of the Ontario Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

#### **516.7.2 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

## *Traffic Citations*

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§ 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 and 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.

### 516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### 520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 520.3.1 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.

#### 520.3.2 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.

#### 520.3.3 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.

### 520.4 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 Ontario Police Department 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 Ontario Police Department 72-Hour Parking Ordinance shall be marked and noted on the Ontario Police Department Abandoned Vehicle Report. No case number is required at this time.

A visible chalk mark should be placed on a tire or another indicator used and shall be noted on the Abandoned Vehicle Report. 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 72 hours prior to removal.

All Abandoned Vehicle Reports shall be submitted to the Records Division 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 an Abandoned Vehicle Report completed and forwarded to the Records Division.

Parking citations for the 72-hour parking ordinance should not be issued when the vehicle is stored for the 72-hour parking violation.

#### 524.2.1 MARKED VEHICLE FILE

The Records Division shall be responsible for maintaining a file for all Abandoned Vehicle Reports.

Parking control officers assigned to the Traffic Division shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Abandoned Vehicle Reports.

#### 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 Records Division immediately following the storage of the vehicle. It shall be the responsibility of the Records Division 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 Division to determine the names and addresses of any individuals

*72-Hour Parking Violations*

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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

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# 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 Ontario 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 INITIAL INVESTIGATION

### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - (c) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
  - (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - (e) Ensure evidence is collected
  - (f) Take any appropriate law enforcement action.
  - (g) Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian 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



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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

### **600.4 SEARCH WARRANT PROCEDURE**

#### **SEARCH WARRANTS MAY BE OBTAINED FOR:**

Penal Code 1524 (a) states: A search warrant may be issued upon any of the following grounds:

- (1) When the property was stolen or embezzled.
- (2) When the property or things were used as the means of committing a felony.
- (3) When the property or things are in the possession of any person with the intent to use them as a means of committing a public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing them from being discovered.
- (4) When the property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.
- (5) When the property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring.
- (6) When there is a warrant to arrest a person.
- (7) When a provider of electronic communication service or remote computing service has records or evidence, as specified in Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery.
- (8) When the property or things to be seized include an item or any evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated Section 3700.5 of the Labor Code.
- (9) When the property or things to be seized include a firearm or any other deadly weapon at the scene of or at the premises occupied or under the control of the person arrested in connection with, a domestic violence incident involving a threat to human life or a physical assault as provided in Section 16120. This section does not affect warrantless seizures otherwise authorized by Section 18250.
- (10) When the property or things to be seized include a firearm or any other deadly weapon that is owned by, or in the possession of, or in the custody or control of, a person described in subdivision (a) of Section 8102 of the Welfare and Institutions Code.

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(11) When the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to Section 6389 of the Family Code, if a prohibited firearm is possessed, owned, in the custody of, or controlled by a person against whom a protective order has been issued pursuant to Section 6218 of the Family Code, the person has been lawfully served with that order, and the person has failed to relinquish the firearm as required by law.

### WHEN SEARCH WARRANT NEEDS TO BE SERVED

Penal Code 1533 states, upon a showing of good cause, the magistrate may, in his or her discretion, insert a direction in a search warrant that it may be served at any time of the day or night. In the absence of such a direction, the warrant shall be served only between the hours of 7 A.M. and 10 P.M. When establishing "good cause" under this section, the magistrate shall consider the safety of the peace officers serving the warrant and the safety of the public as a valid basis for nighttime endorsements.

Penal Code 1534 (a) states, a search warrant shall be executed and returned within 10 days after date of issuance. A warrant executed within the 10-day period shall be deemed to have been timely executed and no further showing of timeliness need be made. After the expiration of 10 days, the warrant, unless executed, is void. The documents and records of the court relating to the warrant need not be open to the public until the execution and return of the warrant or the expiration of the 10-day period after issuance. Thereafter, if the warrant has been executed, the documents and records shall be open to the public as a judicial record.

### SEARCH WARRANT CHECK LIST

See the attached document to view the search warrant checklist. This will need to be completed and then signed by a supervisor prior to service of the search warrant. There is a template of this checklist available on the department computers "S" drive as well as accessing sharepoint via the police department's intranet home page. [See attachment: Search Warrant Preparation Checklist 1 2017.pdf](#)

## **600.5 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.

### 600.5.1 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.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### 600.5.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (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/Office] 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).

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### **600.6 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 Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

### **600.7 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.

### **600.8 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/office]. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery

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to his/her 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/office] equipment. Information obtained via the Internet should not be archived or stored in any manner other than [department/office]-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

### **600.8.1 ACCESS RESTRICTIONS**

Information that can be accessed from any [department/office] computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, is only allowed for legitimate investigative purposes.

Accessing information that requires the use of a third party's account or online identifier requires consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

### **600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

## **600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY**

The Investigations Bureau 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.
  3. Training requirements necessary for those authorized employees.

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4. A description of how the [Department/Office] 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/office] security procedures, the [department/office]'s usage and privacy procedures and all applicable laws.

### **600.10 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 Bureau 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.

# 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 Adult Abuse 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 Ontario 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 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic 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.

#### **602.5.1 VICTIM RIGHTS**

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
  1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
  2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).



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### 602.5.2 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/office] shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

### **602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

#### 602.6.1 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/office] is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

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- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
  - (a) 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.
  - (b) To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - (c) To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon 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.

### 602.6.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the sexual assault kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer

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shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### **602.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT**

The Forensics and Evidence Division supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

### **602.7 TRAINING**

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
  - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.

### **602.8 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

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### **602.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

## Narcotics Investigation

### 603.1 PURPOSE AND SCOPE

The purpose of this Manual is to establish standards for conducting narcotic investigations, undercover and informant operations consistently, and other necessary activities associated with the operation of the Narcotic Division, and to state the responsibilities of personnel assigned to the Narcotics Division.

### 603.2 EMPLOYEE MEDICAL EXAMINATIONS

There is possible exposure to potential hazardous chemicals due to clandestine laboratories investigated by narcotic officers. To help ensure the employees health and safety, baseline medical examinations are required. Follow-up examinations will be done on an annual basis.

A health professional of the Department's choice will perform a medical examination at the Department's expense. Such examinations will be scheduled at reasonable times and intervals.

Information regarding an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know in accordance with HIPPA guidelines.

If requested by a physician, annual or more frequent exams will continue after the employee has left the Narcotic Unit.

### 603.3 WORK SCHEDULES

To maintain a safe and productive work environment, we expect employees to be reliable and to be punctual in reporting for scheduled work. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

The normal work schedule for all employees is ten hours a day, four days a week or eight hours a day, five days a week. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times as well as variations in total hours that may be scheduled each day and week.

Employees will not be allowed to work beyond sixteen consecutive hours without a supervisor's approval. The employee will be required to notify the on-duty or on-call supervisor when approaching 16 hours (employees should notify the supervisor near the 14-hour mark).

Employees will not return to duty without a minimum of eight hours off without a supervisor's approval.

### 603.4 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, officers may be scheduled to work overtime. When possible, advance notification of these mandatory

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assignments will be provided. Task Force Officers (T.F.O.) must have their respective supervisor's approval prior to working overtime. All overtime work must receive supervisor's prior authorization.

### **603.5 USE OF EQUIPMENT AND VEHICLES**

When using issued equipment, employees are expected to exercise care, ensure required maintenance is completed, obey all operating instructions, safety standards, and guidelines. Equipment and vehicles are to be used for official on-duty use only. City vehicles shall be parked in the employee's driveway or garage when parked overnight.

Personnel will promptly notify their supervisor if any equipment or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting may prevent deterioration of equipment and possible injury to employees or others.

Modifications to the interior or exterior of the assigned units are not permitted without prior supervisor approval. In addition, all precautions are to be used when storing property in vehicles to minimize the possibility of theft.

Personnel shall follow Department policy with regard to damage to city property; this includes City vehicles.

### **603.6 ON-CALL STATUS**

Supervisors and officers will be assigned on-call week status. The employees will be compensated for having the on-call status in accordance with the current M.O.U. Being on-call requires that the employee answer his/her phone and respond within one hour of receiving notification or reasonably thereafter. On-call officers will notify the on-call supervisor prior to responding to an incident.

Overtime will begin at the time of call-out and end at the conclusion of the investigation.

Alcohol shall not be consumed while on call. The use of prescription or non-prescription medication shall be adhered to under existing City policy. If an employee is not able to fulfill the on-call duties, it is the employee's responsibility to notify the on-call supervisor, so another employee can assume the duties. In addition, the employee must notify his/her supervisor as to why he/she can't fulfill the on-call duties.

### **603.7 CREDIT CARD USE**

The following are guidelines to be adhered to by the Narcotics Division when using a City issued Credit Card. They are not intended to augment previously issued guidelines by the Chief of Police.

The credit card is intended to streamline expenditures and not supplant the available buy funds. The card is to be used in instances where an investigation takes an unexpected and unanticipated turn that does not allow for timely preparation for adequate funding.

Use of the credit card is for on-duty, job related expenditures only. The primary use of the credit card is for out-of-town gasoline purchases.

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Credit card expenditures for travel, lodging, vehicle rental and any other items deemed necessary in order to enhance the successful completion of an investigation will be permitted with prior supervisor approval. In such cases, a memorandum to the Division Commander shall be submitted by the employee for all non-fuel related expenses.

In all instances, receipts for all expenditures are to be immediately forwarded to the officer's supervisor.

### **603.8 DRUG AND ALCOHOL USE**

Ontario Police Department personnel shall not use any intoxicating beverage before reporting for duty or while on duty. However, it is recognized that during the course of duty, and when necessary to accomplish a police purpose in an undercover capacity, it may be necessary to consume alcoholic beverages while on duty. In such a situation, and whenever possible, approval shall be given by a supervisor prior to the consumption. In any event, Ontario Police Department personnel shall not consume any alcohol beverage while on duty to such a degree that their judgment may be impaired, nor shall any personnel drive a vehicle after such assignment until they have reached an appropriate state of sobriety.

No employee (sworn/non-sworn) shall maintain drugs or paraphernalia for their use or provide paraphernalia for use; nor shall any employee use any narcotic or drug unless a life-threatening situation is involved. A life-threatening situation can be classified as those situations where, in the best judgment of the employee, failure to use any drug or narcotic could result in death or serious injury. In such a situation, should an employee ingest any drug or narcotic, a supervisor shall be notified immediately. The employee shall be transported to the nearest medical facility for an examination. A memorandum will be completed by the involved employees and submitted to the Division Commander. The supervisor overseeing the operation will complete the appropriate Employee Injury and Workers Compensation Documents as well as the required notifications.

Generally, simulating ingestion of any controlled substance is discouraged. However, during the course of some undercover investigations it may become necessary to simulate the use of a controlled substance; for example, simulating the smoking of marijuana or the inhalation of stimulant drugs. In such a situation, and as soon as possible thereafter, the employee shall be examined by a supervisor to verify the lack of effect by the simulation. This information will be documented in a memorandum to the Division Commander. If, in the opinion of the supervisor, the simulation resulted in any extent of intoxication and/or effect, the employee will be examined at the medical facility. No employee (sworn/non-sworn/informant) shall furnish or supply anyone with any controlled substance. The only exception to this shall be in situations where "reverse stings" are in effect, and all the guidelines outlined below regarding stings shall be followed.

### **603.9 UNDERCOVER OPERATIONS BY SWORN PERSONNEL**

An undercover operation is an operation where an officer posing a citizen engages in activity to gather evidence or intelligence to further an investigation or prosecution of those engaged in or suspected of illegal activities. Certain investigations dictate when an undercover (U/C) officer

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should be used to achieve the desired result of an investigation. The objective of these procedures is to minimize risk to the U/C. This can be accomplished by establishing clear guidelines, which ensure the proper planning of a U/C operation. Officers planning U/C operations must take into account the U/C's safety at all times.

The following procedures will be adhered to for all U/C operations:

- (a) A supervisor shall approve all U/C operations.
- (b) A U/C will not be the case agent.
- (c) An operation plan will be completed for all undercover operations.
- (d) A briefing will be conducted with all involved personnel prior to the operation. This briefing will outline the objective of the operation, identify officers' responsibilities, safety precautions, and other pertinent information.
- (e) A supervisor shall be present for the duration of the operation.
- (f) A minimum of four (4) officers (the narcotic supervisor can be counted as one of the four) will be required to complete this type of undercover operation
- (g) A minimum of two officers will act as a dedicated rescue team.
- (h) These officers will be clothed in a manner which immediately identifies them as police officers
- (i) These officers will be armed and have equipment on their person to make an arrest or rescue the U/C.
- (j) These officers will wear body armor.
- (k) One officer will monitor the body wire and keep the U/C under observation.
- (l) The U/C shall be armed.
- (m) The U/C will wear a body wire during the operation.
- (n) All U/C officers shall wear an operational cellular phone that allows the cover team to contact the officer in the event of an emergency or loss of the monitoring device.
- (o) The U/C should not participate in the arrest of the offender.
- (p) All undercover phone calls and meetings with suspects will be recorded.

There may be certain instances when deviation from these procedures may be required. Any deviation from the procedures shall require the approval of a supervisor. All members shall comply with their departmental procedures for crime reporting, evidence handling, and the expenditure of investigative funds. All money used to purchase controlled substances and/or property should be recorded by serial number prior to the purchase, and monies should not be fronted unless approved by a supervisor.



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### **603.10 UNDERCOVER BUYS BY NON-SWORN PERSONNEL / CONFIDENTIAL INFORMANTS**

The investigative staff will ensure the integrity of the operation and must supervise purchases of controlled substances and/or property by non-sworn personnel and/or informants. (a) A supervisor shall approve this type of operation.

(b) An operation plan will be completed for all operations.

(c) An afterhours call out to purchase evidence generally does not require an operation plan, but a thorough briefing for all participating personnel will be required in either case.

(d) A briefing will be conducted with all involved personnel, except for the informant, prior to the operation. This briefing will outline the objective of the operation, identify officers' responsibilities, safety precautions and other pertinent information.

(e) The non-sworn member or informant will be briefed about information which applies to him or her.

(f) A supervisor shall be present for the duration of the operation.

(g) Generally, a minimum of three (3) officers (the narcotic supervisor can be counted as one of the three) will be required to complete this type of undercover operation. Due to a suspect's history or the location of the operation, more officers may be required. If so, the supervisor in charge will be advised and additional personnel will be added as necessary.

(h) A minimum of two officers will act as a dedicated rescue team.

(i) At least one officer will monitor the body wire and keep the non-sworn member or informant under observation. (the rescue team may act as the body-wire monitor)

(j) The rescue-team officers will be clothed in a manner which immediately identifies them as police officers

(k) These officers will be armed and have equipment on their person to make an arrest or rescue the non-sworn member or informant.

(l) These officers will wear body armor.

(m) Non-sworn members and informants will wear a body wire during the operation.

(n) A search shall be made of all informants and their vehicles prior to any purchases. This search will be completed even if officers are to accompany the informant. Non sworn employees will not need to be searched.

(o) A search will be conducted after all transactions to ensure all contraband has been seized, and the informant retained no money.

(p) All transactions of controlled substances and/or property will be corroborated by surveillance by the investigative staff.

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(q) The non-sworn member or informant will not participate in the arrest of the offender. All members shall comply with their departmental procedures for crime reporting, evidence handling, and the expenditure of investigative funds. All money used to purchase controlled substances and/or property should be recorded by serial number prior to the purchase, and monies should not be fronted unless approved by a supervisor.

### **603.11 REVERSE STINGS**

All reverse stings will only be conducted with prior approval of the unit supervisor and the Division Commander. In the absence of the Division Commander, prior approval from the Bureau Commander level or above must be obtained. An approved operation plan will be required.

All narcotics and narcotic precursors used in reverse-sting operations shall be acquired from a certified crime lab with a valid court order. The crime lab will weigh and test all narcotics prior to its use.

All narcotics, chemicals or ephedrine will have the weight and volume verified to ensure proper control and accuracy each time it is handled. The case agent will be responsible for the handling of said contraband. A second officer shall be present during the handling process to validate the information. Each weight or volume audit will be documented in the report. If no crime report is made, a safekeeping report will be made to document status of contraband.

### **603.12 VICE OPERATIONS**

(a) A supervisor shall approve all vice operations.

(b) An operation plan will be completed for all planned John and decoy operations.

(c) An in-call vice operation will not generally require an operation plan.

(d) Coming across prostitutes walking along the streets will not generally require an operation plan.

(e) Prior to any operation, a briefing will take place with all involved personnel to outline the objective of the operation, identify responsibilities, safety precautions, and other pertinent information.

i. If a uniformed officer(s) is required to assist, the officer(s) will be thoroughly briefed prior to his/her involvement and his/her duties clearly outlined.

(f) A supervisor shall be present for the duration of the operation.

(g) A minimum of four (4) officers (the narcotic supervisor can be counted as one of the four) will be required to complete an undercover operation.

(h) A minimum of two officers will act as a dedicated rescue team.

i. These officers will be clothed in a manner which immediately identifies them as police officers

ii. These officers will be armed and have equipment on their person to affect an arrest or rescue.

iii. These officers will wear body armor. iv. One officer will monitor the body wire and keep the U/C under observation.

## *Narcotics Investigation*

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- (i) The U/C shall be armed.
- (j) The UC will wear a body wire during the operation.
  - i. The exception to this is for in-call arrests when the arrest team enters or is in close enough proximity to hear and enters the room with the U/C.
- (k) All U/C officers shall wear an operational cellular phone that allows the cover team to contact the officer in the event of an emergency or loss of the monitoring device.
- (l) The U/C should not participate in the arrest of the offender.
- (m) All undercover phone calls and meetings with suspects will be recorded. All members shall comply with their departmental procedures for crime reporting, evidence handling, and the expenditure of investigative funds. All money used to purchase controlled substances and/or property should be recorded by serial number prior to the purchase, and monies should not be fronted unless approved by a supervisor.

### **603.13 NARCOTIC BUY FUNDS**

The Buy Fund Account consists of funds to be used for the purchase of evidence, information, payment of informants for services rendered, and other expenses that may arise during narcotic investigations. Buy fund expenditures, evidence purchases and CI payments shall be approved by a supervisor, prior to the expenditure, unless extenuating circumstances exist that do not permit prior approval.

In the event this occurs, the employee shall notify a supervisor of the expenditure and the reason for not obtaining prior approval immediately afterwards. The Lieutenant assigned to the Narcotics Division has the responsibility for monitoring the expenditures from this fund. The Lieutenant assigned to the division will have authority to access those funds.

The Lieutenant and Sergeants have the responsibility to ensure that these funds are properly managed. The procedure for reconciling the Buy Fund Account is as follows:

- (a) All money distributions will be completed by the lieutenant and documented on the safe balance sheet.
- (b) All money distributions will be documented on a receipt, signed by the lieutenant and recipient. Every attempt should be made to have a witness for the removal of any money.
- (c) All expenditures (informant payments, evidence purchase etc.) will be documented on a confidential expenditures form.
- (d) After buy funds are spent, and as soon as practical, the officer(s) will complete a confidential expenditure form and forward it, along with any required documents, to a narcotic supervisor for a signature. Once signed by the narcotic supervisor, he/she will forward the completed forms to the lieutenant.

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- (e) During the first week of every month, the officers will forward their monthly expenditure form to the lieutenant.
- (f) The lieutenant will audit and document the buy fund monthly, which will be completed by the middle of the next month.
- (g) Upon request, the officers will physically show the lieutenant the corresponding dollar amount listed on their respective end-of-month balance sheets.
- (h) The lieutenant will complete an audit of the expenditures and document the figures on the Reconciliation/Buy Fund Account form.
- (i) The lieutenant will verify the amount of buy fund money in the safe corresponds with the documentation.
- (j) Monthly, the lieutenant and the Management Analyst will meet to audit the account.
- (k) The buy fund account will be audited routinely by the City Auditor for verification of the balance and compliance with the City policies and procedures. The lieutenant shall complete a yearly report of all funds expended and forward it to the Bureau Commander. At any time, a narcotic supervisor may make an audit of the funds entrusted to employees. All documents mentioned above will be maintained for a period of five years.

**To access printable forms, Refer to the department Sharepoint Portal / Narcotic & Confidential Informant Forms Folder**

## Asset Forfeiture

### 605.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 605.2 POLICY

The Ontario 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 Ontario 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.

### 605.3 ASSET SEIZURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, the seizing officer should contact a narcotics supervisor. The following guidelines will be observed:

(a) The seizing officer, detective or asset forfeiture coordinator will serve all persons who may have a legal interest in the seized currency, vehicle or property with a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized. (b) A copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture Coordinator in the Narcotics Division for review. (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. If the defendant has not been given a Miranda waiver before an interview regarding assets, the investigator will conduct a further criminal interview as necessary. (d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification. (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit. Once a forfeiture case has been filed, the District Attorney's office will issue the Notice of Seizure and Intended Forfeiture forms which included and attached County of Origin Claim Form Opposing Forfeiture.

The Asset Forfeiture Coordinator will serve the documents upon all persons who may have a legal interest in the seized currency, vehicle or property.

#### 605.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

## Asset Forfeiture

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- (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).

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.

### 605.3.2 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).

### 605.3.3 SEIZED VEHICLES

A vehicle, vessel, or aircraft may be seized when used to facilitate in any manner the possession for sales or the sales of illegal drugs. To seize a vehicle, vessel, or aircraft, the following quantities must be met for the facilitation:

- (a) 14.25 grams (1/2 oz) or more of a substance containing heroin or a cocaine base.

## Asset Forfeiture

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(b) 28.5 grams (1 oz.) or more of a pure Schedule I substance (except marijuana, peyote, or psilocybin).

(c) 28.5 grams (1 oz.) or more pure cocaine hydrochloride or methamphetamine, or 57 grams (2 oz.) of a substance containing cocaine hydrochloride or methamphetamine.

(d) 10 lbs. dry weight marijuana, peyote, or psilocybin.

(e) 28.5 grams (1 oz.) of pure Schedule II substance

A vehicle, vessel, or aircraft may be seized when purchased with drug proceeds. This will require a financial investigation to prove the elements of proceeds.

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the narcotic supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible. The officer seizing the vehicle shall complete the CHP-180 form and include the notation "seized subject to forfeiture".

A tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

### **605.4 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.

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

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **605.5 MAINTAINING SEIZED PROPERTY**

The Forensics and Evidence Division Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### **605.6 FORFEITURE REVIEWER**

The Chief of Police will appoint an Asset Forfeiture Coordinator as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Asset forfeiture Coordinator 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.
- (b) Serving as the liaison between the Department and the Narcotics Division 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 an asset seizure receipt, an asset forfeiture questionnaire and a disclaimer of ownership form. The forms should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.



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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 copy should be given to the person from whom cash or property is being seized, that includes the legal authority for 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, Training Bulletins 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 the Asset Forfeiture Coordinator.
  6. Any cash received is deposited in the bank by the Asset Forfeiture Coordinator.
  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.
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the Asset Forfeiture Coordinator, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

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- (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).

### **605.7 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).

#### **605.7.1 RECEIVING EQUITABLE SHARES**

When participating in a joint investigation with a federal agency, the Ontario 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.

### **605.8 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 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).

*Asset Forfeiture*

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# Federal Equitable Sharing Agreement and Certification

## 606.1 PURPOSE AND SCOPE

Procedure for completing and submitting the Federal Equitable Sharing Agreement and Certification form before the due date.

## 606.2 POLICY

The City of Ontario's Fiscal Services Department and the Police Department's Asset Forfeiture Coordinator are responsible for working together harmoniously to complete the annual Federal Equitable Sharing Agreement and Certification form and to have the document submitted on or before August 30th.

## 606.3 RESPONSIBILITIES

- (a) The Narcotics Lieutenant is responsible for ensuring compliance with this policy and procedure.
- (b) The Fiscal Services Department is responsible for accurately entering the accounting information into the General Ledger.
- (c) The Asset Forfeiture Coordinator is responsible for extracting the appropriate financial information from the General Ledger.
- (d) The Narcotics Lieutenant and the Asset Forfeiture Coordinator are responsible for the accuracy of the information contained in the Federal Equitable Sharing Agreement and Certification form.
- (e) The City Manager and the Chief of Police are responsible for signing the Annual Federal Equitable Sharing Agreement and Certification form.
- (f) The Asset Forfeiture Coordinator is responsible for transmitting the Annual Federal Equitable Sharing Agreement and Certification form on or before the due date.
- (g) It is the responsibility of the Narcotic Lieutenant to ensure each employee involved with the process of completing the Annual Federal Equitable Sharing Agreement and Certification form are familiar with this policy.

## 606.4 PROCEDURES

- (a) The City's Fiscal Services Department will accurately enter the financial information into the General Ledger.
- (b) The Asset Forfeiture Coordinator will periodically extract the required asset forfeiture information from the General Ledger and examine it for accuracy and errors and correct the data if necessary.
- (c) The Narcotics Lieutenant will monitor this practice periodically to ensure the policy is adhered to.

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(d) The City's Fiscal Services Department will enter all the required Asset Forfeiture information into the General Ledger no later than August 15th for the Asset Forfeiture Coordinator's review.

(e) The Asset Forfeiture Coordinator will accurately complete the Annual Federal Equitable Sharing Agreement and Certification form by August 19th and return it to the City Financial Division for review and concurrence. The document will be returned to the Asset Forfeiture Coordinator on or before the end of business on August 22nd.

(d) Once the Annual Federal Equitable Sharing Agreement and Certification form is returned, the Asset Forfeiture Coordinator will prepare the document for signatures.

(f) On or before August 23rd the Narcotic Lieutenant will cause the Annual Federal Equitable Sharing Agreement and Certification form to be delivered to the Office of the Chief of Police for signatures.

(g) On or before August 25th the Office of the Chief of Police will cause the Annual Federal Equitable Sharing Agreement and Certification form to be delivered to the Office of the City Manger for signatures.

(h) In all cases, the Annual Federal Equitable Sharing Agreement and Certification form will be signed prior to August 28th by the Chief of Police and the City Manager.

(i) Once the Annual Federal Equitable Sharing Agreement and Certification form has been signed, the Narcotic Lieutenant will cause the documents to be delivered to the Asset Forfeiture Coordinator.

(j) The Asset forfeiture Coordinator will transmit the Annual Federal Equitable Sharing Agreement and Certification form on or before August 30th.

(k) If the above deadlines fall on a non-business day, the affected dates will be due on the last business day prior to the affected deadline.

(l) All of the supporting documentation for each report will be filed for future auditing purposes.

## Informants

### 607.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 607.1.1 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 Ontario Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Ontario Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 607.2 INFORMANT FILE SYSTEM

Only employees assigned to the Investigations Bureau and Special Operations Bureau will be authorized to manage confidential informants. A supervisor assigned to those bureaus or his/her designee shall manage informants and be responsible for maintaining informant files in their respective bureaus. A separate file shall be maintained on each confidential informant.

#### 607.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address and telephone numbers
- (e) Current employer(s), position, address(es) and telephone numbers
- (f) Vehicles owned and registration information
- (g) Places frequented
- (h) Informant's photograph
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
- (j) Name of officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

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The informant files shall be maintained in a secure area within the Narcotics Division or the Special Operations Bureau Lieutenants Office These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Bureau Commander, the Narcotics Division Supervisor, the Special Operations Bureau Lieutenant or their designee.

### **607.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, an officer must receive approval from the Narcotics Division Supervisor or the Special Operations Bureau Lieutenant. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

#### **607.3.1 JUVENILE INFORMANTS**

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

### **607.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

#### **607.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the Ontario Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Ontario Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

## *Informants*

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- (a) Officers shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Ontario Police Department, and that they shall not represent themselves as such
- (e) The relationship between officers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Narcotics Division supervisor
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Division Supervisor or the Special Operations Bureau Lieutenant. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

### **607.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

#### **607.5.1 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Narcotics Division Supervisor will discuss the above factors with the Field Operations Bureau Commander and arrive at a recommended level of payment that will be subject to the approval of



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the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

### 607.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of \$30,000.

### 607.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Manager's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Narcotics Division Buy/Expense Fund. The Narcotics Division Supervisor will be required to sign the voucher for amounts under \$500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Ontario Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds \$500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

### 607.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed 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 confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential 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

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acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

### **607.6 CI PACKET TEMPLATE**

[See attachment: CI Packet template.pdf](#)

[See attachment: CI early release form.pdf](#)

[See attachment: CI Informant Agreement form.pdf](#)

[See attachment: CI ACTIVITY LOG.pdf](#)

# Eyewitness Identification

## 609.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 609.1.1 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.

## 609.2 POLICY

The Ontario 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.

## 609.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 609.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division 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:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (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.

The process and related forms should be reviewed at least annually and modified when necessary.

### **609.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **609.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results 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.

### **609.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

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.

## *Eyewitness Identification*

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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.

### **609.8 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.
  - 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

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## Brady Material Disclosure

### 611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

#### 611.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the Ontario Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 611.2 POLICY

The Ontario Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Ontario Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

## *Brady Material Disclosure*

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### **611.4 DISCLOSURE OF PERSONNEL INFORMATION**

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

### **611.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **611.6 TRAINING**

Department members should receive periodic training on the requirements of this policy.

## Chapter 7 - Equipment



## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, 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.

### 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 Bureau 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.

## *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 Bureau Commander.

### **700.5 EQUIPMENT INVENTORY CONTROL**

Inventory control of department equipment shall be effected by the Bureau Captains, Division Lieutenants, designated asset managers, and the Fiscal Services Unit.

#### **700.5.1 DIVISION/UNIT COMMANDERS RESPONSIBILITY-EQUIPMENT INVENTORY**

The responsibility for equipment items shall be as follows:

- The designee(s) to the Special Weapons and Tactics team (SWAT) Lieutenant shall be responsible for items assigned to SWAT;
- The designee(s) to the Lieutenant/Sergeant of the SWAT Armory shall be responsible for all items assigned to the SWAT Armory; specifically serialized firearm accessories and all firearms registered/owned by the Ontario Police Department and issued to SWAT;

## *Department Owned and Personal Property*

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- The designee(s) to the Multi-Enforcement Team (MET) Lieutenant shall be responsible for items assigned to MET;
- The designee(s) to the Training Division Sergeant shall be responsible for all items assigned to training;
- The designee(s) to the Lieutenant/Sergeant of the department Armory shall be responsible for all items assigned to the Armory; specifically serialized firearm accessories and all firearms (excludes firearms issued to SWAT) registered and/or owned by the Ontario Police Department;
- The designee(s) to the department Range Lieutenant shall be responsible for all ammunition assigned to the department Range.

### 700.5.2 DIVISION/UNIT COMMANDERS INVENTORY RESPONSIBILITY

The commander or designee(s) of the divisions specified under Lexipol Policy 700.5.1 shall:

- Cause a complete inventory to be taken of all equipment items in his/her command annually;
- Draw a line through each item on the inventory listing that cannot be accounted for;
- Ensure that appropriate lost or theft reports have been completed on all missing items;
- Add to the listing, the description and serial number or Ontario PD barcode numbers of items in his/her command that are not included on the listing;
- Upon completion of the inventory, sign the inventory form acknowledging an accurate completion of the respective inventory;
- Complete a memorandum describing circumstances regarding the loss of any assigned items, or the acquisition of any items that were added to the listing;
- Forward memorandums to the division commander and follow normal chain of command protocol;
- Retain a copy of the inventory listing.

### 700.5.3 ISSUANCE/CONTROL OF EQUIPMENT

Division Lieutenants and their respective designee(s) listed in 700.5.1 shall maintain an accurate inventory and control of issuance in the Ontario Police Department's Asset Tracking database. Commanding officers and designees shall ensure that all equipment is accounted for each time it is checked in or out and that the designee issuing and receiving the equipment is indicated in the Asset Tracking database (inventory system).

### 700.5.4 BUREAU TRANSFERS AND NEW ASSIGNMENTS

Within 30 working days after assuming a new assignment, the Division Lieutenant and/or designee shall:

## *Department Owned and Personal Property*

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- Ensure all equipment retained by the division is accurately inventoried in the Asset Tracking database;
- Confirm all equipment being transferred with the employee is verified and updated in the inventory system to reflect the transfer of the equipment to its' respective division;
- Upon receipt of any equipment relinquished by the assignee, update the inventory database and when feasible, produce an inventory report that should be signed by the Division Commander/Lieutenant or designee, as well as the employee relinquishing possession (all firearms or serialized firearm accessories should have an inventory report signed by the aforementioned);
- Sign the inventory form and upload the form under the assignees name in the inventory system.

### 700.5.5 ACQUISITION OF EQUIPMENT

The acquisition of authorized department equipment shall be purchased through the normal city purchasing process. Additionally, the following procedures shall occur:

- Authorization shall be obtained by the respective Bureau Captain on all purchases;
- All items purchased through the normal city purchasing process, grants, asset forfeiture, or federal earmarks, shall be shipped to the Ontario Police Department's main station;
- Upon authorization to purchase department equipment, Fiscal Services shall be notified immediately;
- Upon receipt of all acquired department equipment, the items shall be delivered to the Fiscal Services Unit;
- Fiscal services shall notify the purchasing Division Commander and/or designee when the items are available for pick-up;
- All firearms and serialized firearm accessories shall be purchased through the department Armory and SWAT Armory, and shall follow the aforementioned purchasing procedure;
- Designated department Armory and SWAT Armory personnel shall confirm the accuracy of all firearm orders upon receipt, and verify all related serial numbers/ barcode numbers; the designee shall inspect the firearms/firearm accessories prior to issuance;
- The designee(s) to the Lieutenant/Sergeant of the SWAT Armory shall be responsible for purchasing all firearms and serialized firearm accessories purchased for SWAT; the designee shall account for all firearms/firearm accessories and confirm accurate data entry into CLETS;
- The designee(s) to the Lieutenant/Sergeant of the Department Armory shall be responsible for purchasing all firearms and serialized firearm accessories (excludes SWAT); the designee shall account for all firearms/firearm accessories and confirm accurate data entry into CLETS.

## Federally Controlled Equipment

### 701.1 POLICY AND PURPOSE

It is the purpose of this policy to guide in the use of the Armored Ballistic Vehicle and to identify the strategies and oversight that the Ontario Police Department (OPD) will adopt concerning the appropriate use of federally controlled equipment.

Federally controlled equipment is defined as only that equipment outlined in subsection 701.2 of this document and is issued by the federal government or purchased with federal funds.

The Ontario Police Department will provide the appropriate training, oversight and documentation for the use of federally controlled equipment.

### 701.2 FEDERALLY CONTROLLED EQUIPMENT (EO 13688)

A. Armored Ballistic Vehicle – The armored vehicle may be used for the following types of incidents; high risk search warrants, armed barricaded suspects in a structure or vehicle, armed suspects in an open area (large field, parking lot, etc.), SWAT callouts, assisting an outside jurisdiction (AOJ), downed officer rescues where an officer has been shot and is in need of rescue to get medical attention when the suspect is still in the area armed, same for a citizen whom may have been shot or injured, citizen evacuations from an active area where a threat of gun fire still exists, terrorist incidents, mobile field force deployments for riot situations, or SWAT and mobile field force training.

B. Armored Ballistic Vehicle with Ramp – The armored ballistic vehicle with ramp system will be used in the west end of the San Bernardino and Riverside Counties as a mutual aid resource for surrounding and regional agencies including the Ontario International Airport (OIA). This resource will be used in the event of an active shooter situation on the second floor of the OIA passenger waiting area. The tactical ramp system will also accommodate simultaneously two story and/or multi-level terminals, rescue and emergency operations, and multi-story terminal or aircraft tactical assaults providing officers with a significant degree of armored, ballistic protection during these highly dangerous and unpredictable events. This vehicle is equipped with a tactical ramp system which will provide a ramp way to facilitate rapid access into airport terminals or buildings in the surrounding areas including large aircraft rescue for hostage or immediate evacuation. The armored, ballistic vehicle equipped with the ramp system will allow for significantly expanded response capabilities under immediate threat conditions such as extrication and rescue operations under fire.

### 701.3 USE OF FEDERALLY CONTROLLED EQUIPMENT

A. Requirements for deployment and the level of supervisory approval necessary, will precede any use of federally controlled equipment. When this is not possible due to exigent circumstances, the Watch Commander will make appropriate notification to the on-call Administrator ASAP. The use of this vehicle will be described in the electronic daily log (e-log) as soon as possible after any incident.

## *Federally Controlled Equipment*

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B. Any officer who will utilize federally controlled equipment i.e. the Armored, Ballistic vehicle, will receive initial and reoccurring training or certification when mandated by other local, state or federal law on regarding the appropriate and safe use of such equipment. Only personnel from the Ontario Police Department who have been properly trained may use equipment owned by this agency, even when deployed in other jurisdictions. Authorization for use of such equipment in other jurisdictions must be approved by OPD's Police Chief or his designee(s).

C. The armored, Ballistic Vehicle may be used in the following situations with the expressed approval of the SWAT Commander or Administrative Officer in charge:

1. An armed intruder or active shooter situation in which first responder or other defensive measures have failed, been defeated or overwhelmed or the nature of violence is so substantial or protracted that the use of the Armored, Ballistic Vehicle is required immediately; this includes inserting officers into live fire zones to confront an active shooter threat; extracting wounded victims or those exposed to active shooter fire or related dangers; inserting tactical medical assets in an effort to reduce casualties and provide emergency tactical casualty care to those already wounded; use as a defensive position or barricade: response to similar high risk tactical event/ operations(e.g. terrorist attack) where the risk of serious bodily injury or death to others posed by a criminal offender has been demonstrated and other responsive measures are insufficient.

2. This vehicle may be utilized in a natural disaster or catastrophic event without a critical nexus where lifesaving access to areas that cannot be otherwise achieved is critical.

3. As a matter of standard operating procedure this vehicle should be escorted while on public roadways by a marked police vehicle. The vehicle shall have an observer to assist the driver, except in exigent circumstances.

### **701.4 SUPERVISION OF FEDERALLY CONTROLLED EQUIPMENT**

1. Federally controlled equipment should only be utilized for previously approved purposes and with the appropriate level of supervision, unless exigent circumstances exist. The SWAT Commander is the key holder for the armored vehicle. The keys are secured on the wall inside his office. If either patrol officers or SWAT need the vehicle for one of the situations listed above, only the SWAT Commander or the on-duty Watch Commander will give the approval for the use of the armored, ballistic vehicle. The armored, ballistic vehicle is housed at the police department in a secured enclosed parking bay that is accessible for patrol use for immediate deployment for a critical incident.

2. Ontario Police Department will be responsible for proper deployment and accountability with supporting, regional and neighboring agencies that may request the use of resources that are supported with federally controlled equipment from this agency.

### **701.5 EVALUATION**

1. The command staff of the Ontario Police Department (the police chief, deputy chief and captains) will evaluate the need for continued use of such equipment on a regular basis.

## *Federally Controlled Equipment*

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2. The vehicle should be started weekly and the tires inflated to the recommended pressure.

3. Following each deployment, this agency shall complete an after action report (debriefing) that captures such information as the equipment utilized, the manner in which it was utilized, and the location of the utilization. This information will be made available upon request of the granting federal agency.

### A. Auditing and Accountability

After each deployment, the armored vehicle will be parked in its designated parking location and returned to operational-ready condition (fueled, electronics turned off, doors and windows secured and plugged into an electronic source). When the armored vehicle is deployed during a field operation, a report will be authored, and delivered via email. The log includes a brief summary of the incident and how the armored vehicle was utilized. The log will also report any damage or repairs that may be needed.

### B. Transparency and Notice Considerations

The Ontario Police Department will actively engage the public to inform them of the purpose and intended use of federally controlled equipment. While maintaining operational security needs, the agency will explain the application of certain pieces of equipment and how they will be utilized to protect both citizens and officers. OPD will also provide information regarding the cost realized by local taxpayers as a result of the agency's participation in such federally controlled equipment programs. Public notices may include, but not limited to, community events such as Citizen Academy Classes, Ontario National Night Out, and various annual neighborhood events.

## Vehicle Maintenance

### 703.1 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.

### 703.2 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.

#### 703.2.1 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the [department/office] armory prior to the vehicle being released for maintenance, service or repair.

### 703.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

#### 703.3.1 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
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- Fire Extinguisher
- Trauma Kit

### 703.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, employees driving patrol vehicles shall fill up the vehicle prior to the end of the employee's shift or assignment. Vehicles shall only be refueled at the authorized location.

### 703.5 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.



## *Vehicle Maintenance*

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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.

### **703.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 705.1 PURPOSE & SCOPE

The Department utilizes city owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City. This policy provides guidelines for on- and off-duty use of City owned vehicles and shall not be construed to create or imply any contractual obligation by the City of Ontario to provide assigned take-home vehicles.

### 705.2 POLICY

The Ontario Police Department provides vehicles for Department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 705.3 INDIVIDUAL MEMBER VEHICLE ASSIGNMENT

City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

The vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the employee's supervisor gives authorization. The employee is responsible for keeping the vehicle clean and in good operating condition.

Officers assigned marked take home vehicles such as Motors, canine handlers, and traffic units will wear some type of uniform identifying themselves as police officers and carry a duty weapon when operating marked take home vehicles.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

#### 705.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

## *Vehicle Use*

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### 705.3.2 OTHER USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Watch Commander of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

### 705.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this Department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All Department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 705.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

### 705.3.5 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Dispatch Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

### 705.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

## *Vehicle Use*

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Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Bureau Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

### **705.3.7 AUTHORIZED PASSENGERS**

Members operating Department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

### **705.3.8 PARKING**

Except when responding to an emergency or when urgent Department-related business requires otherwise, members driving Department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to Department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

### **705.3.9 CIVILIAN MEMBER USE**

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **705.3.10 UNMARKED VEHICLES**

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

### **705.3.11 INVESTIGATIONS DIVISION VEHICLES**

Investigations Bureau vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigations Bureau supervisor. After-hours use of Investigations Bureau vehicles by members not assigned to the Investigations Bureau shall be approved by the Watch Commander.

## **705.4 ASSIGNED VEHICLE AGREEMENT**

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned

## *Vehicle Use*

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vehicle by his/her Bureau Commander and shall sign an agreement that includes the following criteria:

- (a) The member must live within a 30-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Bureau Commander approval. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Bureau Commander.
- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.
- (i) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

### 705.4.1 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where Department vehicles must be used by members to commute to and from a work assignment. Members may take home [department/office] vehicles only with prior approval of a supervisor and shall meet the following criteria

- (a) Other reasonable transportation options are not available.

## *Vehicle Use*

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- (b) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Ontario Police Department City limits.
- (c) Off-street parking will be available at the member's residence.
- (d) Vehicles will be locked when not attended.
- (e) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

### **705.5 KEYS**

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

### **705.6 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the Ontario Police Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Officers may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Officers shall, at all times while driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

### **705.7 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

#### **705.7.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Bureau Commander.

## *Vehicle Use*

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### **705.8 VEHICLE DAMAGE, ABUSE AND MISUSE**

When a City-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the City's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

### **705.9 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a City-owned vehicle upon the toll road shall adhere to the following:

- (a) All members operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Commander within five working days explaining the circumstances.

# Cash Handling, Security and Management (ADMIN)

## 706.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

## 706.2 POLICY

It is the policy of the Ontario Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

## 706.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

## 706.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

## 706.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.



## *Cash Handling, Security and Management (ADMIN)*

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### **706.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Narcotics Division supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

### **706.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## **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, aid investigations in linking crimes within the city and other jurisdictions, 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, assisting in the identification of enforcement priorities and providing administrative and statistical reports.

### 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)
- Law Enforcement listservers (i.e.: IACA, LEP, LEANALYST)
- Law Enforcement databases (i.e.: COPLINK, Parole Leads, Cal Gangs)
- California Law Enforcement Telecommunications System (CLETS)
- California Department of Motor Vehicles (DMV)
- Geographic Information System (GIS) data

### 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

## *Crime Analysis*

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### **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 sharing among other law enforcement agencies is also necessary for a successful Crime Analysis Unit. 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.

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# Communications Center Operations

## 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the [Department/Office] in the course of its normal daily activities and during emergencies.

## 802.2 POLICY

It is the policy of the Ontario Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The [Department/Office] provides two-way radio capability providing continuous communication between the Dispatch Center and [department/office] members in the field.

## 802.3 COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Watch Commander, command staff and [department/office] members with a specific business-related purpose.

## 802.4 RESPONSIBILITIES

### 802.4.1 COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a manager. The Communications Manager is directly responsible to the Administrative Services Director or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher timecards.
- (c) Overseeing, supervising, training and evaluating of 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.
- (e) Processing requests for copies of Communications Center information for release.
- (f) Maintaining Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.

## *Communications Center Operations*

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- (a) Procedures for specific types of crime reports may be necessary. Policies should be kept and updated to reflect the most current procedures for each call type.
- (b) Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints regarding the communications division in accordance with the Personnel Complaints Policy.

### 802.4.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Handling misdirected, silent and hang-up calls.
- (g) Radio interoperability issues.

### 802.4.3 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/office] members in the field and support resources (e.g., allied agency law enforcement units).
  - 5. Other electronic sources of information (e.g., text messages).
- (b) Documenting the field activities of [department/office] members and support resources (e.g., allied agency law enforcement units).
- (c) Inquiry and entry of information through the Dispatch Center, [department/office] and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring [department/office] video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

## *Communications Center Operations*

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- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
1. Vehicle pursuits.
  2. Foot pursuits.
  3. Assignment of emergency response.

### **802.5 CALL HANDLING**

This [Department/Office] 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?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **802.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding [department/office] members and affected individuals.

## *Communications Center Operations*

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### 802.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

### 802.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with [department/office] 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.

#### 802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Ontario Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### 802.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to [department/office] 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, and identify the [department/office] 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/office] member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the [department/office] station name or number.

### 802.7 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating



## *Communications Center Operations*

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conditions that may be encountered at the scene. Desirable information would include, at a minimum.

- 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.

### **802.8 CONFIDENTIALITY**

Information that becomes available through Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

### **802.9 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## Property and Evidence

### 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 804.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

**Evidence Management System**-Software application that allows for unalterable data entry of all property held and managed by the Evidence Unit. This program is provided by File on Q.

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A report must be completed to document the release of property not booked.

Evidence will only be held for civil litigation when the potential exists for the City of Ontario to be involved. Evidence or property will not be held or stored for private party civil cases.

#### 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:

- (a) Complete the appropriate field within the evidence management system's data entry screen. Describe each item of property separately, listing all serial numbers, owner's name, and other identifying information or markings.

## *Property and Evidence*

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- (b) The employee booking in property shall make appropriate inquiries to the California Department of Justice computer system regarding serialized property to determine any items are reported stolen.
- (c) Print out a bar code tag and attach to each package, wire tag, or envelope in which property is stored.
- (d) When the property is too large to fit in a property locker, the item may be placed in the "temporary bulk storage room".

### **804.3.2 NARCOTICS AND DANGEROUS DRUGS**

All narcotics and dangerous drugs shall be booked separately using a separate bar code and secured in an evidence locker prior to the end of the officer's shift.

Narcotics paraphernalia shall not be submitted into evidence.

Pipes shall be photographed and destroyed. Any syringes shall be photographed and disposed of in an appropriate sharps container.

### **804.3.3 EXPLOSIVES**

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility.

### **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) All currency shall be counted by two employees and the currency envelope initialed by the booking officer and verifying employee. The Watch Commander and a Narcotics Division supervisor shall be notified for currency amounts subject to asset seizure. Currency envelopes shall be placed in a secured safe or given directly to an Evidence Technician.

### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked according to the Evidence and Property Packaging Procedure Manual. This manual will be located and displayed in the Evidence Processing Area.

Evidence personnel maintain the right to refuse property that is improperly packaged, hazardous, or not submitted in a safe manner. The employee submitting the evidence is responsible for properly packaging all items. Care for and custody of the property shall be the responsibility of the employee until it is accepted by Evidence Personnel.

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### 804.4.1 PACKAGING CONTAINER

Employees shall package all property, except bulky items, in a suitable container according to The Evidence and Property Packaging Manual.

A property bar code shall be securely attached to the outside of all items.

### 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 a secure evidence locker.

Narcotics should be weighed in their original packaging. When practical, narcotics should be double bagged in Department issued, re-closeable polypropylene bags, packaged and labeled according to the Evidence and Property Packaging Manual. The booking [officer\_deputy] shall initial the sealed envelope and the initials covered with cellophane tape.

Any suspected fentanyl-related items should clearly be marked as "suspected fentanyl" on the interior and exterior packaging.

### **804.5 RECORDING OF PROPERTY**

The evidence technician receiving custody of evidence or property shall record within the Evidence Management System the date/time the property was received and where the property will be stored.

Any changes in the location of property held by the Ontario Police Department shall be recorded in the Evidence Management System.

### **804.6 PROPERTY CONTROL**

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in the Evidence Management System. Officers desiring property for court shall contact the evidence technician at least one day prior to the court day.

Any employee who opens evidence for examination/duplication should if possible open the evidence package in a place other than the original seal. After examination, under, or near the new seal, the employee shall write his/her initials, ID number and date.

Evidence personnel may open any audio or video to duplicate for a detective, case agent, or District Attorney personnel at their request.

#### 804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate request forms and/or through the Evidence Management System. These requests shall be submitted to an evidence technician. This request may be filled out any time after booking of the property or evidence.

## *Property and Evidence*

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### 804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time within the Evidence Management System. The lab forms will be transported with the property to the examining laboratory. The copy of the lab form will be returned to the Records Division for filing with the case.

Requests for items to be processed by the Ontario Police Forensic Services Unit will be submitted through the Evidence Management System and assigned by a Forensic Service Supervisor.

### 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 in the Evidence Management System, 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 employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the Evidence Management System, indicating date, time, and the person who returned the property.

### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The detective or case agent shall authorize the disposition or release of all evidence coming into the care and custody of the department. Property dispositions shall be entered directly into the Evidence Management System where the disposition record will be permanently maintained.

Evidence personnel shall notify the detective or case agent when property items are due for review if the dispositions have not been previously received.

Detectives and case agents shall review all disposition requests in a timely manner.

### 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 a request via the Evidence Management System, listing the name and address of the person to whom the property is to be released.

Safekeeping property will be held for 60 days (Civil Code 2080.10 (b) and will only be released to the property owner with proper identification and a signature on the Property Disposal Form. If the owner is in custody and cannot pick the property up, Evidence personnel shall accept a written letter from the owner, mailed from a custody facility, authorizing the release of property to another person designated by the property owner. Unclaimed safekeeping property will be disposed of after 60 days.

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 and Evidence*

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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. 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 within the Evidence Management System.

An 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 within the Evidence Management System.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33850, Penal Code § 33855(b).

Release of a firearm with ammunition will require two separate appointments and cannot take place on the same day.

Evidence Technician 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 or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

### 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

The Evidence Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department.

### 804.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the evidence technician shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code 6389(g); Penal Code § 33855).

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### 804.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the 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) which conforms to the provisions of Penal Code § 33865.
- (b) If the court grants the petition, or enters an order of default, the prohibited person shall have ~~180 days to contact the Evidence Division to facilitate the sale or transfer of weapons(s) to a licensed dealer, pursuant to Welfare and Institution Code 8102(g) and (h).~~
- (c) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.
- (d) 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 and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Ontario Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

## *Property and Evidence*

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### **804.7 DISPOSITION OF PROPERTY**

Once the Evidence Division receives the case disposition from the case detective or case agent to return property to the owner, victim, or suspect, a claim letter will be sent by evidence personnel giving the owner 30 calendar days to respond or claim property. The owner of the property must have proper identification to receive the property.

If property was taken under a search warrant, it is the responsibility of the property owner to petition the court and obtain an Order For Return of Property, signed by a judge prior to the release of the property. A copy of this order shall be sent to the Records Division. A Minute Order will not be accepted in lieu of a Court Order.

Property will only be mailed to the owner with shipping charged to be paid by the owner if all other pick up options are not feasible. This option is not available for firearms, weapons, or ammunition. A disposal sheet will be included in the package for the owner to sign for the property. The circumstances for the release via mail should be justified and noted within the Evidence Management System.

All firearms and any item marked "Search Warrant" on the Evidence Management System entry screen will not be destroyed or disposed of until a "Destruction Order" has been obtained from the court. Any narcotics being transported to the crime lab for destruction can be sent without a destruction order.

The Records Division shall be notified of any serialized property that has been released or destroyed to enable the property information to be removed from the CLETS system.

Narcotics for destruction will be submitted to the San Bernardino County Sheriff Crime Lab and marked "Destruction". Any narcotics or marijuana plants not accepted by the crime lab for destruction will be destroyed at an approved facility in the presence of Ontario Police narcotics officers.

Once a disposition is received to dispose or destroy evidence, the item shall be disposed of in the following manner:

- a. Any audios, videos, or paperwork will be destroyed by shredding.
- b. Any item with any value, excluding firearms, cell phones, or other contraband, will be sold by public auction as allowed by

(Civil Code 2080.5)

- c. Any ammunition will be disposed to the Ontario Fire Department for destruction.
- d. Counterfeit currency will be disposed to the United States Secret Service.
- e. License plates and California Identification Cards/ Driver Licenses will be returned to the California Department of Motor Vehicles.
- f. The currency submitted inside of a currency envelope will be deposited into the City of Ontario's evidence bank account, unless the envelope is marked "do not deposit". This



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account and the money contained are managed by the City of Ontario's accounting department. Two Evidence Technicians will complete

and sign a Cash Reconciliation Form prior to depositing currency into the City of Ontario's business bank account. This form and any

bank receipts will be forwarded to the City of Ontario accounting department.

g. Blood samples will be disposed to the San Bernardino County Crime Lab or Bio-Tox Laboratories.

### 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 §§ 29300; 18010; 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, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)

California Civil Code § 2080.4 allows for the conversion of evidence and property for departmental use. Requests for property or evidence for departmental use shall be made via memorandum directed to the Chief of Police via chain of command through the Evidence Supervisor. Any converted property shall be returned to the Evidence Division for disposition once the property has been determined to be unusable or no longer needed.

### 804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the City Treasurer 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).

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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.

The money will be deposited into the City of Ontario's business bank account. This account and monies contained are managed by the City of Ontario Accounting Department.

### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Case Agent or Investigations Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigations Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Forensics and Evidence Division 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 Investigations Bureau 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 from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Investigations Bureau supervisor should be consulted and the sexual assault victim should be notified.

### 804.7.4 FIREARM RELEASE AND DISPOSITION

Firearms will be destroyed after an Evidence Technician receives a case disposition with an instruction to destroy the firearm, a firearm has not been claimed by the owner after a claim letter has been sent and there has not been any communication from the owner to the evidence division within the 180 day holding period, an Order from the Court has been received by evidence personnel, a firearm has been abandoned and evidence personnel have been unable to find the owner within the 180 holding period, or the registered owner has requested that a firearm be

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destroyed. A Court Order to destroy firearms will be obtained and should be written to include a description of the weapon, the serial number, the case number, and the crime associated with the weapon. While preparing the court order, the firearm shall be re-checked through the CLETS system to ensure that during the holding period in the evidence division, the firearm has not been reported stolen.

### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

Audits of the property room shall be conducted as deemed necessary by the Evidence Supervisor, Bureau Captain, or Chief of Police by a designated auditor, not assigned to the evidence division, but with assistance from evidence personnel.

Unannounced inspections of evidence storage areas can be conducted at any times as directed by the Chief of Police.

Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property should 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.

#### **804.8.1 SECURITY OF PROPERTY STORAGE AREAS**

Property storage areas shall be secured at all times when Evidence personnel are not present. Entry into the evidence storage area shall only be made under the supervision of evidence personnel. Keys to the evidence storage area shall only be held by personnel assigned to the evidence division. One additional key and an alarm code will be kept inside the Watch Commander's office inside a sealed envelope. In the absence of evidence personnel, the evidence storage area may be entered only when an emergency circumstance exists and only after the Watch Commander attempts to notify evidence personnel and the attempt has been documented. Any employee breaking the sealed envelope and using the key and emergency alarm code to enter into the secured evidence area shall be responsible for generating a memo to the Chief of Police including the name and ID number of the employee making entry, the date and time of entry, the reason for entry, the actions taken while inside the evidence storage area, and the name of the on-duty Watch Commander. A copy of the memo shall be retained by the evidence division. Upon use of the emergency alarm code, a new emergency code shall be generated by evidence personnel through the alarm company and shall be sealed in a new envelope to be placed in the Watch Commander's office.

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## Records Division

### 806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Ontario Police Department Records Division. The policy addresses [department/office] file access and internal requests for case reports.

### 806.2 POLICY

It is the policy of the Ontario Police Department to maintain [department/office] records securely, professionally, and efficiently.

### 806.3 RESPONSIBILITIES

#### 806.3.1 ADMINISTRATIVE OFFICER

The Chief of Police shall appoint and delegate certain responsibilities to a Administrative Officer. The Administrative Officer shall be directly responsible to the Administrative Services Bureau Commander or the authorized designee.

The responsibilities of the Administrative Officer include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training, and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  - (a) Homicides.
  - (b) Cases involving department / office members or public officials.
  - (c) Any case where restricted access is prudent.

#### 806.3.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
  - (a) The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.

## Records Division

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1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the [Department/Office] with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
  1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  2. Suspected hate crimes (Penal Code § 13023).
  3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
  4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
  5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the [Department/Office] and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

### 806.3.3 RECORDS DIVISION PROCEDURE MANUAL

The Administrative Officer should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

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### **806.4 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by officers of the Ontario Police Department and no accusatory pleading has been filed, the person arrested may petition the [Department/Office] to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigations Division Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Division Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the [Department/Office]'s decision within 45 days of receipt. Responses should include only the decision of the [Department/Office], not an explanation of the analysis leading to the decision.

### **806.5 FILE ACCESS AND SECURITY**

The security of files in the Records Division 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/office] case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Watch Commander.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### **806.6 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting [department/office] member shall first obtain authorization from the Administrative Officer. All original case reports removed from the Records Division 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 Division.

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All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

### **806.7 CONFIDENTIALITY**

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division 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 Division procedure manual.

### **806.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Operations Bureau Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (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/Office] and the record reflects only a detention.
- (c) The California DOJ is notified.

## 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 Ontario 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 CLETS form that serial numbers have been removed or obliterated.



## *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 Forensic Services Unit 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.

### 808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the Forensic Services Unit, the forensic technician 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.

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## Records Maintenance and Release

### 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of [department/office] records. Protected information is separately covered in the Protected Information Policy.

### 810.2 POLICY

The Ontario Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

### 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/Office], including the retention, archiving, release, and destruction of [department/office] public records.
- (b) Maintaining and updating the [department/office] records retention schedule including:
  1. Identifying the minimum length of time the [Department/Office] must keep records.
  2. Identifying the [department/office] bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of [department/office] public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the [department/office]'s website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all [department/office] current standards, policies, practices, operating procedures, and education and training materials are posted on the [department/office] website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the [Department/Office] website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the [Department/Office]'s website.

## *Records Maintenance and Release*

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### **810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any [department/office] 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/office], during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The [Department/Office] 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/office] records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the [Department/Office] shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).
- (d) Upon request, a record shall be provided in an electronic format utilized by the [Department/Office]. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the [department/office]-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.

## *Records Maintenance and Release*

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- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

### **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/office] record including traffic collision reports, are restricted except as authorized by the [Department/Office], and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 6254.29).
- (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  - 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
  - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
  - 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (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

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- face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).
    - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
  - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
    - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.
  - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
  - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
  - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).
  - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
  - (l) Any record created exclusively in anticipation of potential litigation involving this [department/office] (Government Code § 6254).
  - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
  - (n) Records relating to the security of the [department/office]'s electronic technology systems (Government Code § 6254.19).
  - (o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
  - (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

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law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 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/Office] so that a timely response can be prepared.

### **810.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the [department/office] name and to whom the record was released.

Each audio/video recording released should include the [department/office] name and to whom the record was released.

### **810.8 SEALED RECORD ORDERS**

Sealed record orders received by the [Department/Office] 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 Administrative Officer 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.

## *Records Maintenance and Release*

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### **810.9 SECURITY BREACHES**

The Administrative Officer 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/Office] 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/Office] determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

#### **810.9.1 MANNER OF NOTICE**

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.
  2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
  3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the [Department/Office] does not have sufficient contact information. Substitute notice shall consist of all of the following:
    - (a) Email notice when the [Department/Office] has an email address for the subject person.

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- (b) Conspicuous posting of the notice on the [department/office]'s webpage for a minimum of 30 days.
- 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the [Department/Office] to notify more than 500 California residents, the [Department/Office] shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

### 810.9.2 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
  - 1. The date of the notice.
  - 2. Name and contact information for the Ontario Police Department.
  - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
  - 4. The estimated date or date range within which the security breach occurred.
  - 5. Whether the notification was delayed as a result of a law enforcement investigation.
  - 6. A general description of the security breach.
  - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Ontario Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
  - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the [Department/Office] in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
  - 2. When the breach involves an email address that was furnished by the Ontario Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.



## Criminal Offender Record Information (CORI)

### 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 Ontario Police Department. This policy addresses the protected information that is used in the day-to-day operation of the [Department/ Office] and not the public records information covered in the Records Maintenance and Release Policy.

### 812.2 POLICY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

### 812.3 RESPONSIBILITIES

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any OPD documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

### 812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Ontario 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.

## *Criminal Offender Record Information (CORI)*

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### 812.4.1 PENALTIES FOR MISUSE OF RECORDS

The Records Manager is the designated Custodian of Criminal Records for the Ontario Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

### 812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Administrative Officer

(b) Full-time employees of the Records Division

(c) Personnel specifically designated in writing by Bureau Commanders with the concurrence of the Criminal Records Security Officer

### 812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

## **812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Officer for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the [Department/Office] 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 Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

## *Criminal Offender Record Information (CORI)*

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Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other [department/office] members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

### **812.6 SECURITY OF PROTECTED INFORMATION**

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

#### **812.6.1 COMPUTER TERMINAL SECURITY**

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Division, the Dispatch Center and in the Investigations Division to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

#### **812.6.2 CUSTODIAN OF CRIMINAL RECORDS**

The Records Manager, unless otherwise directed by the Administrative Services Bureau Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Bureau Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services Director will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

### **812.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

## *Criminal Offender Record Information (CORI)*

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authorized access and use of protected information, as well as its proper handling and dissemination.

### **812.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

### **812.9 PENALTIES FOR MISUSE OF RECORDS**

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

### **812.10 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

### **812.11 MEDIA DISPOSAL TRANSPORTATION AND STORAGE**

When any document or media containing CORI has served the purpose for which it was obtained, it shall be destroyed in the method stated below.

#### **812.11.1 PRINTED MATERIAL**

Each employee shall be responsible for destroying the CORI documents they receive.

Printed material may be placed in Confidential Destroy boxes/Shred It bins and subsequently destroyed by a contracted vendor. Some units have their own confetti shredders that they may use. "Strip cut" shredders are not to be used for CJI or other confidential data.

#### **812.11.2 ELECTRONIC MEDIA**

Electronic records on decommissioned servers or other storage devices are to be securely erased using DOD approved methods the physical media destroyed. Electronic media may be reused; however, media should be securely erased first where practical.

CD/DVD media

## *Criminal Offender Record Information (CORI)*

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- Break/destroy media prior to disposal

### Hard Drives

- Erase the drive using DOD approved methods
- Use vendor provided utility for built-in “secure erase” function
- Break/destroy the hard drive (drill several holes through platters, shred, smash to point where platters and PCBs are broken)

### Tapes

- Erase using DOD approved methods (degauss)
- Destroy (shred)

### Flash Drives

- Break/destroy the device

Electronic media will be brought to Records Division for proper disposal.

### 812.11.3 TRANSPORTATION

Printed material, electronic media, or containers with CJI may only be handled or transported by approved persons who have been finger print background checked.

### 812.11.4 STORAGE

Printed material, electronic media, or containers with CJI may only be stored at approved locations staffed by persons who have been finger print background checked.

## Computers and Digital Evidence

### 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.

## *Computers and Digital Evidence*

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4. If it can be determined, how it was being used.
  - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### **814.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

### **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### **814.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Forensics and Evidence Division to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

## *Computers and Digital Evidence*

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### **814.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a computer forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### **814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers/Technicians handling and submitting recorded and digitally stored images from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

Images captured during the course of duty are for official use only. Employees are not authorized to duplicate, reproduce, or send any images to personal email, second party email, social media, or any other medium without the express written consent of the Chief of Police or his designee.

#### **814.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### **814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Forensics and Evidence Division as soon as possible for submission into evidence.



## *Computers and Digital Evidence*

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- (b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

### 814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

### 814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

### 814.5.5 COLLECTION OF DIGITAL IMAGES

Digital photographs should be taken with cameras issued by the department. Cellular telephone and other electronic devices with digital camera capability should not be used for official use unless its use is deemed an operational necessity.

Photographs should meet the following minimum standards:

## *Computers and Digital Evidence*

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- a. Camera should capture images at 8 mega pixels or greater.
- b. Digital zoom should not be used.
- c. All close up photographs should contain a scale.
- d. Images should be captured in .jpeg format.

### 814.5.6 SUBMISSION OF DIGITAL IMAGES

Employees, other than Forensic Specialts, are not authorized to duplicate and/or distribute memory cards.

The camera operator is to remove the memory card from the digital camera as soon as possible following the recording of images and forward it to the Forensic Services Unit.

The camera operator will completely fill out the media card submission envelope then place the media card inside and seal it. The envelope will then be placed in the media card drop box for collection by a Forensic Specialist.

If the images are emailed, they will be sent to the "Forensic" routing group.

Once the Forensic Services Unit recieves the digital images, they will be transferred to the department's "Digital Image Management System"(DIMS). The DIMS system will provide the security, documentation, and authenticity of the original image.

Once the Forensic Specialist has verified that the images have been properly transferred to DIMS, they will erase the memory card and return it for re-use. If the images were e-mailed to the "Forensic" routing group, the Forensic Specialist will send a confirmation email that they have been properly transferred to DIMS. After receiving the confirmation e-mail, the camera operator can delete the images from the media card or storage devise.

Archiving:

No images captured durign the course of conducting police business will be sent to personal e-mail or any other social media without prior administrative approval.

Images should not be attached to a report in ARS.

# Jeanne Clery Campus Security Act

## 822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this [department/office] fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

## 822.2 POLICY

The Ontario Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Ontario Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Ontario Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Ontario Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

## 822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Ontario Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
    - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

## *Jeanne Clery Campus Security Act*

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3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
  4. Notify the Ontario Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
  5. Notify the Ontario Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
  - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
  - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
  - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

### 822.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:
  1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
  2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.

## *Jeanne Clery Campus Security Act*

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Ontario Police Department or the institution (Education Code § 67380).
  - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the Ontario Police Department is necessary to contact or detain the assailant (Education Code § 67380).
  - 2. If the institution discloses the identity of the alleged assailant to the Ontario Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

### **822.4 RECORDS COLLECTION AND RETENTION**

The Administrative Officer is responsible for maintaining Ontario Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this [department/office] or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
  - 1. Murder
  - 2. Sex offenses, forcible or non-forcible
  - 3. Robbery
  - 4. Aggravated assault
  - 5. Burglary
  - 6. Motor vehicle theft
  - 7. Manslaughter
  - 8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
  10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
    - (a) On campus.
    - (b) In or on a non-campus building or property.
    - (c) On public property.
    - (d) In dormitories or other on-campus, residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the Ontario Police Department (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

### 822.4.1 CRIME LOG

The Administrative Officer is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Ontario Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the [Department/Office].

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- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police [department/office] or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

### 822.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Administrative Officer is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the Ontario Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the Ontario Police Department for which a written report is prepared.

### 822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Bureau Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
  - 1. Crime statistics and the policies for preparing the crime statistics.

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2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
  - (a) Procedures victims should follow.
  - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.



## **Chapter 9 - Custody**

## Temporary Holding Facility

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Ontario Police Department for processing prior to being released or transferred to a housing or other type of facility.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the [Department/Office].

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

**Temporary custody** - The time period an adult is in custody at the Ontario Police Department prior to being released or transported to a housing or other type of facility.

### 900.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

The Ontario Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the [Department/Office]. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

In accordance with Penal Code 853.6, those individuals arrested for misdemeanors or violations of any city ordinance, and does not demand to be taken before a magistrate, may be released from the Ontario Police Department's Temporary Holding Facility with a written notice to appear in court

### 900.3 GENERAL CRITERIA AND SUPERVISION

#### 900.3.1 INDIVIDUALS WHO SHALL NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions shall not be in temporary custody at the Ontario Police Department, unless approved in advance by the Watch Commander or his/her designee. These individuals shall be transported directly to, or immediately from, the Ontario Police Department to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
  - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (f) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).
- (g) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (h) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (i) Any individual who is obviously developmentally disabled (15 CCR 1057).
- (j) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).
- (k) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (l) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).
- (m) Any individual who would be determined to be placed on administrative segregation.

### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized [department/office] member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising shall not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female [department/office] member shall be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody shall be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

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No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

### 900.3.3 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

**Facility Administrator:** The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.

**Temporary Holding Facility Manager:** The Lieutenant or designee will have the responsibility for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.

**Temporary Holding Facility Supervisor:** The employee with 24 hour per day functional responsibility for the Temporary Holding Facility will be the Watch Commander. Any other supervisor may provide assistance as needed.

**Custodial Supervisor:** The Custodial Supervisor shall be responsible for all jail operations and management of Custodial Personnel.

**Custodial Personnel:** Custodial personnel shall be those on duty sergeants, detectives, corporals, officers, contracted jail staff or other designated employees whose additional duties include the supervision of prisoners that are detained in the Temporary Holding Facility.

### 900.3.4 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC). for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028). The on-duty Watch Commander is a 24/7 position that meets these requirements. Cardiopulmonary resuscitation equipment shall be maintained and readily available.

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

### STAFFING PLAN

1 Custodial Supervisor and 8 Jail Officers (Custodial Personnel)

Custodial Personnel Duties:

- Sign into the jail log book at the start of your shift
- Complete key log
- Conduct jail inspection
- Receive pass down from previous shift

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- Transport or cite release arrestees
- Process incoming arrestees: complete intake, medical screening, classification, property and PREA forms. (Sobering form as applicable)
- Jail must be kept clean and organized throughout shift
- Provide pass down to oncoming officer(s)

### Custodial Supervisor Duties:

- Responsible for all jail operations
- Management of jail personnel
- Ensure jail operates in accordance with all local, state, and federal laws and regulations
- Directs the preparation and maintenance of inmate records and documentation related to facility operations; reviews reports prepared by subordinates to ensure they are accurate and prepared in a professional manner; compiles statistics and prepares periodic reports
- Performs the essential functions required of a Corrections Officer as necessary
- Plans, analyzes, and organizes facility safety and security measures, assures efficient and effective support services for the facility.
- Participates in the selection of new employees as assigned; supervises and evaluates the performance of assigned staff, and recommends corrective action or commendation as appropriate.

### 900.3.5 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

### 900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. Officers should be aware of the symptoms of various communicable diseases such as fever, diarrhea, fatigue, muscle aches and coughing. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the

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individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

### 900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell
  1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk
  2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene
- (c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
- (d) Ensure males and females are separated by sight and sound when in cells
- (e) Ensure the individual's own views with respect to his or her own safety shall be given serious consideration. The Ontario Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment. The Department will not tolerate any abuse, harassment or retaliation against any person. The Department will take immediate action to protect all persons. All persons in custody will be advised at intake regarding the methods in which to report sexual abuse, harassment, retaliation and neglect. These methods include verbally, in writing, privately or anonymously. Persons in custody will also be advised of at least one way to report abuse or harassment to a public or private entity that is not part of the department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the inmate to remain anonymous.

### 900.5 FIRE SAFETY PRE-PLAN

The person, designated by the facility supervisor as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

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- (a) No flammable materials are stored in the detention area.
- (b) Fire extinguishers are serviceable.
- (c) Cell keys are available in the Watch Commander's office for emergency use.
- (d) First aid kits are readily available and completely stocked.
- (e) Smoke detectors are operational.

The Custodial Supervisor or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years. (Title 15, California Code of Regulations § 1032)

- (a) The Fire Marshall should make annual inspections of the Temporary Holding Facility.

### **900.5.1 FIRE PROCEDURES**

In the event of a fire in the detention area the discovering employee should immediately:

- (a) Notify the Fire Department, Watch Commander and on-duty patrol personnel simultaneously through the Dispatch Center
- (b) Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
- (c) Begin fire suppression procedures as applicable.
- (d) Coordinate the evacuation of prisoners
- (e) Obtain medical services as needed
- (f) Secure prisoners in a temporary holding area not affected by the fire
- (g) Arrange transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary
- (h) Initiate an investigation concerning the origin of the fire along with filing necessary reports
- (i) Follow the fire safety and evacuation plan including the use of fire extinguishers.

### **900.6 EVACUATION OF TEMPORARY HOLDING FACILITY**

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

#### **900.6.1 PRIMARY CONCERNS**

- (a) Safety of public
- (b) Safety of department personnel
- (c) Safety of prisoners
- (d) Security of prisoners

#### **900.6.2 NOTIFICATION**

- (a) Watch Commander

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- (b) All available sworn personnel
- (c) Fire Department
- (d) Medical aid
- (e) Facility Manager
- (f) Facility Administrator

### 900.6.3 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

### 900.6.4 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

### 900.6.5 CITYWIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

## **900.7 HEALTH AND OTHER PROVISIONS**

### 900.7.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Ontario Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical screening completed.
- (f) Any emergency situations or unusual incidents.
- (g) Date and time of release from the Ontario Police Department.



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The Custodial Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time. This should be done once a month.

In addition, the custodial supervisor shall at least annually, review, evaluate, and make a record of security measures. The review and evaluation shall include internal and external security measures specific to the prevention of sexual abuse and sexual harassment.

### 900.7.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

### 900.7.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer. Those who require medication while in temporary custody should not be at the Ontario Police Department. They should be released or transferred to another facility as appropriate.

### 900.7.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the health or safety of the person in custody.

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Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

### 900.7.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  - 1. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
  - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

### 900.7.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety.

The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

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Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

### **900.7.7 <B>FIREARMS AND OTHER SECURITY MEASURES</B>**

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor. All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

### **900.7.8 <B>REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM</B>**

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Facility Manager will retain a record of these reports for inspection purposes. Such records shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of occurrence. Such a written record shall be prepared by the staff assigned to investigate the incident and submitted to the Facility Manager or his/her designee (15 CCR 1044). All sections in the Use of Force policy pertain to the Temporary Holding Facility, except 300.4.1 and 300.4.2.

### **900.7.9 DISCIPLINE**

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

## **900.8 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy (Section 306)..

### **900.8.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy (Section 306.3.2).

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### **900.9 HANDLING PRISONER'S PROPERTY**

Officers shall take care in the handling of a prisoner's property to avoid discrepancies or losses. Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver's license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag, and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

### **900.10 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary.

An inspection also should be conducted when a person in custody has been released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.

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- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by [department/office] members shall occur at least hourly through direct visual observation. There shall be no more than a 60-minute lapse between safety checks (15 CCR 1027.5).
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve questioning the individual as to his/her well-being
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.

### 900.10.1 USE OF SOBERING CELL

Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

- (a) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.
- (b) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log.
- (c) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue. At 12-hours from time of placement, the inmate will receive an evaluation by responsible health care staff.
- (d) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.
- (e) In accordance with Penal Code 849(b)(2), those individuals arrested for intoxication only, may be released from the Ontario Police Department's Temporary Holding Facility after completing the booking process.

### 900.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Facility Administrator will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Ontario Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Watch Commander shall notify the Patrol Captain or, if after hours, the on-call Administrative Officer, A.I.T., Detectives and the Jail Facility Manager shall also be notified to respond as well
- (c) Preserve Evidence

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The Watch Commander shall notify the Patrol Captain or, if after hours, the on-call Administrative Officer, A.I.T., Detectives and the Jail Facility Manager shall also be notified to respond as well.

An Investigations Commander, or designee, will oversee the investigation and will ensure that all necessary agencies and persons have been notified in accordance with the law including notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code 12525).

For any in-custody death or actual suicide attempt, a review shall occur within 30 days. The review team shall include the Facility Administrator, the Facility Manager, the Health Administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study (15 CCR 1046).

### **900.12 FACILITY SANITATION AND MAINTENANCE**

The Watch Commander or his/her designee should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

### **900.13 RELEASE AND OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) It has been confirmed the correct individual is being released or transported.
- (c) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (d) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (e) The individual is not permitted in any nonpublic areas of the Ontario Police Department unless escorted by a member of the Department.
- (f) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

### **900.14 ASSIGNED ADMINISTRATOR**

The Temporary Holding Facility Manager will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

## *Temporary Holding Facility*

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- (a) General security
- (b) Key control
- (c) Escapes
- (d) Disturbances
- (e) Hostage
- (f) Mass arrests
- (g) Disaster plans
- (h) Periodic testing of emergency equipment
- (i) Storage, issue, use of weapons, ammunition, chemical agents, and tools
- (j) Suicide Prevention
- (k) Segregation of inmates

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

### 900.14.1 KEY CONTROL

Key control is an essential element in detention management. To assure the safety of all personnel, the citizens in the community, and other prisoners in the detention facility, control of keys is mandatory. Each employee will be issued a set of building keys that shall be kept on their person at all times.

- (a) **Manual Key Operated Locks:** The manual key operated locks encompass fixed door locks, padlocks, and locks used for storage. This type of lock requires the use of a key to open routinely. The keys must be accounted for at all times.
  1. Each key will be numbered, placed on a ring, and kept inside the key lock box.
  2. At shift change, the oncoming custodial staff member will document the status of the jail keys on the key log. Every jailer will confirm that all other keys are accounted for and secured in the key lock box. Any broken keys must have all parts turned over to the Custodial Supervisor with the key ring.
  3. In the event the keys are broken; the on duty custodial staff will notify the Watch Commander and Custodial Supervisor immediately. The custodial staff will then obtain an emergency set of keys kept in the Watch Commander's office until the broken key(s) are replaced.
  4. If the on-coming shift becomes aware that any keys are missing, the on-duty custodial staff will notify the Custodial Supervisor and Watch Commander that keys are missing. The senior custodial staff member on duty will immediately contact all members of the previous shift to determine if any of the previous shift staff members had retained the set of keys. Once the keys have been located, the employee who is in possession of the keys shall immediately return those keys to the facility.

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5. Security of the facility demands safeguards of the keys. Keys which will allow exit from this facility will be carried with extreme caution, care, and with the highest security. Additional basic securities of the keys are as follows:
  - (a) Do not allow prisoners to handle the keys at any time.
  - (b) Keep the keys on your person. A key chain, securely attached to a belt, and a snap fastener to the ring, is highly recommended.
  - (c) As you routinely operate the locks, check their functioning. Observe to determine if there is any tampering, and make sure there are no shims, or obstructions which might allow the lock not to be secured.
  - (d) Always pull the door after locking to check it. Always pull the padlock to make sure it is locked. Always check to make sure the lock is secured.
  - (e) Staff members may carry their own handcuff keys. It is further advised this key must be secured by the staff member, and when not in use, out of sight in a pocket or pouch. Keys should never be left unsecured on counters, in purses/bags or in unsecured desk drawers.
  - (f) The senior Custodial Staff member on duty will be accountable for the keys to the transport van.

- (b) A set of keys is located in the Watch Commander's office in the event of an emergency.

### 900.14.2 ESCAPES

- (a) Prevention is the key to escape procedures. If, however, an escape appears to have occurred, immediately notify the Watch Commander.
- (b) Immediately secure the facility and conduct an emergency count, verifying identification of all prisoners.
- (c) Establish a perimeter to contain the arrestee.
- (d) Organize search teams for a coordinated search to locate the escapee.

### 900.14.3 DISTURBANCES

- (a) Being responsive, communicative, pro-active, and concerned, is all appropriate behavior of staff assigned. This behavior significantly reduces, or negates the possibility of disturbances within the facility.
- (b) In the event of a disturbance, immediately sound the panic alarm. Staff is to notify the Watch Commander who will advise dispatch and respond for assistance. The Watch Commander and Custodial Supervisor (or senior custodial staff member) will coordinate all efforts with responding units.
- (c) Obtain medical treatment for any injured persons. Make sure all injuries are well documented and photographed.
- (d) A written report of the incident will be prepared by responding officers, including any damage assessment.



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### 900.14.4 HOSTAGES

The purpose of the following procedures are to ensure the safety of the hostage as the primary concern, as well as the safety of the inmates and the security of the facility. Implement the quickest and most safe sequence of events.

- (a) Any Custodial Staff that becomes aware of an existing hostage situation will immediately contact the Watch Commander, who will call for assistance. Identify the hostage(s) inmate(s) involved, secure the area immediately, and cease all inmate movement.
- (b) Request medical assistance and fire department personnel to respond, and stand by.
- (c) The following is the basic procedure to follow:
  - 1. Safety of the hostage is of the utmost importance.
  - 2. Staff will insure the immediate area is secure. Lock down situation will exist. All inmates are to be in secured areas or removed to a secured location by appropriate escorting staff.
  - 3. Suspend all activities, i.e. phone conversations, bookings, tours, movements.
  - 4. Prevent abductor from obtaining other hostages.
  - 5. Prevent other inmates from joining the abductor.
  - 6. Prevent escape of the abductor.
  - 7. Identify all participants, take notes, and prepare to document after the incident is over.
  - 8. Identified inmate(s) arrest files are to be made immediately available. All information, location and what has transpired up to this time, will be given to the Senior Officer present.
  - 9. Any employee (custodial staff or police) taken hostage has NO authority, regardless of rank or position while they are a hostage.
  - 10. If the abductor has secured an area with monitoring capability, either audio or video, make sure this equipment is shut down completely.
  - 11. Any media attention is to be referred to a Public Information Officer. No information shall be given by any Custodial staff.
  - 12. When situation is under control, then, and only then, will the facility restore normal operations.
  - 13. Any person injured in an incident must receive immediate medical treatment.

### 900.14.5 MASS ARRESTS

An operational plan shall be developed for any event that could result in mass arrests. If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.

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- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts.

### 900.14.6 NATURAL DISASTERS

- (a) Natural Disasters, such as earthquakes, may occur at any time. The best course of action, depending on the severity, will be to protect in place. Prisoners are instructed to take cover if appropriate, for protection.
- (b) Smoke inhalation is of major concern. Even a small fire may provide sufficient smoke to effect physical damage. Therefore, prevention, use of approved materials; all tend to mitigate this concern. However, if the area becomes heavily saturated with smoke, or any other environmentally unsafe incident occurs, and it is confined to the building itself, then the fire evacuation plan will be implemented. The first area of placement will be west of the building. The second area of placement, if necessary, will be the east parking lot. The Ontario Police department will provide for armed perimeter security for this area. All efforts will be made to ventilate the building, to return to normal operations as quickly as possible.
- (c) Security must be maintained. Prisoners may become overly reactive in times of stress. This may include escape attempts, or taking advantage of the situation to create more diversions. Individually, or in transport chains, attempt to mitigate the situation by handcuffing. A minimum of one handcuff connecting two inmates will be used. At the same time, display a calm demeanor, which will assist in restoring good order quickly. Your duties will be with the prisoners, inside the Temporary Holding Facility, and the correction of the problem, which effected this emergency reaction.

### 900.14.7 EMERGENCY EQUIPMENT TESTING

- (a) Fire extinguishers will be inspected semi-annually by the Ontario Fire Department. The Fire Department inspector will make a notation on the fire extinguisher tag. The fire sprinkler system will be included in the building inspection, provided by the Ontario Police department. All fire systems will be inspected routinely by the area fire department staff.
- (b) All other emergency equipment will be tested as required by the manufacturer, and will be noted on the container, or placed on the item by tagging. Panic wall buttons, and personal distress alarms will be tested once a month.

### 900.14.8 STORAGE, ISSUE, USE OF WEAPONS, AMMUNITION, CHEMICAL AGENTS AND TOOLS

Due to this facilities location, directly within the Ontario Police Department, no weapons, ammunition, or chemical agents will be maintained in the Temporary Holding Facility. Any tools required for use in the facility will be closely monitored, and checked to assure removal from the facility after use.

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### 900.14.9 SUICIDE PREVENTION

Although prisoners are detained in the Temporary Holding Facility for a short period of time, it is still possible for a prisoner to commit suicide. All personnel shall be familiar with the signs, symptoms, and the risk of a suicidal prisoner.

Upon admitting prisoners to the holding facility, it is important to always be alert for those individuals that may exhibit signs of potential suicide. Generally, persons at risk are:

- (a) Prominent persons charged with embarrassing crime
- (b) Persons held for alcohol or drug related charges.
- (c) All juveniles.
- (d) Persons with history of self-destructive acts.
- (e) Individuals who state their intention of suicide.
- (f) Individuals who appear overly depressed.
- (g) Prisoners who have visible scars on their wrists or neck indicating prior suicide attempts.

Suicides generally occur within the first eight (8) hours of incarceration. The state of intoxication of a person upon incarceration greatly increases the likelihood of suicide. Again, special attention and documentation of observation is critical for intoxicated prisoners.

### 900.14.10 SEGREGATION OF INMATES

Segregation of prisoners detained in the Temporary Holding Facility will be for the following reasons:

- (a) Incompatible gang affiliation
- (b) Co-defendants who hold animosity toward the other
- (c) Medical concerns

All reasons, or concerns, causing segregation will be documented in the file of the prisoner.

No segregation will occur for race, ethnic, religious, national origin, political or other inappropriate classifications.

### 900.15 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Inmate segregation

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- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024)

The Training Sergeant shall maintain records of all such training in the member's training file

## Custodial Searches

### 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Ontario Police Department facility. Such items can pose a serious risk to the safety and security of [department/office] members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any [department/office] vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

### 902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Ontario Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### 902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

## *Custodial Searches*

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Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Ontario Police Department identification number and information regarding how and when the property may be released.

### **902.5 STRIP SEARCHES**

No individual in temporary custody at any Ontario Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on [department/office] members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### **902.5.1 STRIP SEARCH PROCEDURES**

Strip searches at Ontario Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

## *Custodial Searches*

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- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

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- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

### **902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Watch Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of



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the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

### **902.7 TRAINING**

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## Prison Rape Elimination

### 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the Ontario Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

#### 904.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the detainee, prisoner, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- Voyeurism by a staff member, contractor, or volunteer

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

### **904.2 POLICY**

The Ontario Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The [Department/Office] will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Ontario Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

### **904.3 PREA COORDINATOR**

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee [department/office] efforts to comply with PREA standards in the Ontario Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).

## *Prison Rape Elimination*

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and [department/office] leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the [department/office]'s website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
  - 2. A protocol describing the responsibilities of the [Department/Office] and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
  - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

### **904.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION**

Detainees or prisoners may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the [Department/Office] shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the [Department/Office] and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

[See attachment: 904 - English PREA.JPG](#)

[See attachment: 904 - Spanish PREA Sign.JPG](#)

#### **904.4.1 MEMBER RESPONSIBILITIES**

[Department/Office] members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

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All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any [department/office] member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### 904.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the [department/office]'s designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and [department/office] policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the [Department/Office] shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

### 904.5 INVESTIGATIONS

The [Department/Office] shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received [department/office]-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### 904.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Ontario Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this [department/office] shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### **904.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for [department/office] members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

### **904.6 RETALIATION PROHIBITED**

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

### **904.7 REVIEWS AND AUDITS**



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### 904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the [Department/Office]'s progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the [department/office] website or, if it does not have one, through other means. Material

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may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Ontario Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the [department/office] website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### **904.8 RECORDS**

The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### **904.9 TRAINING**

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive [department/office]-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The [Department/Office]'s zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

## Chapter 10 - Personnel

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

The employment policy of the Ontario Police Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, military or veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Ontario Police Department Human Resources Department.

### 1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

### 1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Ontario Police Department's Personnel and Training Division and City of Ontario Human Resources Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Ontario Police Department or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) Possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following may be disqualifying:
  1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

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3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

### 1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following shall be disqualifying:
  1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

### 1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
  1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
  2. Conviction for two or more misdemeanor offenses under California law as an adult
  3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
  4. Admission(s) of having committed any act amounting to a felony (including felony- misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
  5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
  6. Admission(s) of any act of domestic violence as defined by law, committed as an adult

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7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

### 1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following may lead to disqualification:
  1. Missing any scheduled appointment during the process without prior permission
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
  3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
  4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
  5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
  6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
  7. Having any outstanding warrant of arrest at time of application.

### 1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer

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- (e) The following shall be disqualifying:
  - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
  - 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

### 1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following shall be disqualifying:
  - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
  - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
  - 3. Having been disciplined by any employer as an adult for fighting in the workplace

### 1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following shall be disqualifying:
  - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
  - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

### 1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, per POST requirements:



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1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
  2. Any adult use or possession of marijuana within one year prior to application for employment
  3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
  4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
  5. Any adult manufacture or cultivation of a drug or illegal substance
  6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
  3. Any illegal or unauthorized use of prescription medications

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## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Department's PACE (Performance and Coaching Excellence) program is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for future work performance. Refer to the PACE Process Guidelines document for specific instructions.

### 1002.2 POLICY

The Ontario Police Department utilizes a PACE Development Plan 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 sex, race, color, national origin, religion, age, disability or other protected classes.

### 1002.3 FULL TIME PROBATIONARY PERSONNEL

Full-time civilian personnel, except as described below, are on probation for 12 months before being eligible for certification as regular employees. Employees represented by the American Federation of State County and Municipal Employees (AFSCME) are on probation for 6 months before eligible for certification as regular employees.

Sworn personnel are on probation for 12 months before being eligible for certification as regular employees.

Probationary periods, if applicable, are defined in the Memorandum of Understanding or Pay and Benefit Profile associated with the employee's classification.

### 1002.4 DEVELOPMENT PLAN INTERVIEW

When the supervisor has completed the preliminary development plan, arrangements shall be made for a private discussion of the development plan with the employee. The supervisor should discuss the development plan and clarify any questions the employee may have. If the employee has valid and reasonable protests, the supervisor may make appropriate changes to the development plan. 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 development plan.

## *Evaluation of Employees*

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### 1002.4.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's PACE Development Plan, the reviewing supervisor shall require the employee to review Departmental Policy Sections: 328 (Discriminatory Harassment), 300 (Use of Force), 314 (Pursuit Policy), and the City of Ontario' Computer Usage and E-Mail Policy.

Following such policy review, the supervisor shall provide the employee with a form to be completed and returned by the employee certifying the following:

- (a) The evaluated employee has a clear understanding of Departmental Policy Sections: 328 (Discriminatory Harassment), 300 (Use of Force), 314 (Pursuit Policy)
- (b) The employee was provided the opportunity to ask any questions to clarify any issues he/she may have concerning these departmental policies.
- (c) The employee further understands that the CLETS System (as well as any other law enforcement data base utilized by employees for business purposes) is for official use only. Unauthorized or misuse of the CLETS System constitutes a misdemeanor. 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.
- (d) The employee has read and understands the City of Ontario's Computer Usage, Internet, and E-mail Policy.

The completed form should be returned to the supervisor (or other authorized individual) 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.

### **1002.5 DEVELOPMENT PLAN REVIEW**

After the supervisor finishes the discussion with the employee, the signed development plan is forwarded to the rater's supervisor (Bureau Commander). The Bureau Commander shall review the development plan for fairness, impartiality, uniformity, and consistency. The Bureau Commander shall evaluate the supervisor on the quality of development plan.

### **1002.6 EVALUATION DISTRIBUTION**

The original PACE Development Plan 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 Human Resources Department.

## Anti-Retaliation

### 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

### 1008.2 POLICY

The Ontario Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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### **1008.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1008.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

## *Anti-Retaliation*

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### **1008.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1008.7 WHISTLE-BLOWING**

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Division for investigation pursuant to the Personnel Complaints Policy.

#### **1008.7.1 DISPLAY OF WHISTLE-BLOWER LAWS**

The [Department/Office] shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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### **1008.8 RECORDS RETENTION AND RELEASE**

The Administrative Officer shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1008.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

## Reporting of Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the [Department/Office] of any past and current criminal convictions.

The Administrative Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this [department/office] (11 CCR 1003).

The Administrative Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this [department/office] or any former peace officer if this [department/office] was responsible for the investigation (11 CCR 1003).

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

### 1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this [department/office] may be inherently in conflict with law enforcement duties and the public trust.



## *Reporting of Employee Convictions*

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### **1010.4 REPORTING PROCEDURE**

All members of this [department/office] and all retired officers with an identification card issued by the [Department/Office] shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the [Department/Office] shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

### **1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The [Department/Office] may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

#### 1012.2.1 CITY OF ONTARIO STATEMENT ON THE DRUG FREE WORKPLACE

The Office of Criminal Justice Planning, an agency within the State of California, has adopted this statement in compliance with legislation which addresses issues to avoid the dangers arising from drug and alcohol abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting in accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use the illegal or unauthorized substances (Section 8355(b)(1)).

California law also prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California City Employees (Section 8356(a)).

Employees convicted of a violation of a criminal drug statute, when the violation occurred at a City employee's worksite, shall report the conviction to his/her employer in writing no later than five calendar days after such conviction, and to the granting and monitoring State agency upon conviction (Section 8356(a)(1)(2)).

The City shall notify the agency in writing within ten calendar days after receiving notice from the employee or otherwise receive actual notice of such conviction.

The City shall take one of the following actions, within 30 calendar days of receiving notice from the employee of such conviction;

- Take appropriate personnel action against such employee, up to and including termination; or
- Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

In the event of the lawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a City worksite, the State may take disciplinary action pursuant to the law and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program (Section 8355(b)(4)).

## *Drug- and Alcohol-Free Workplace*

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The City Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all City employees. Procedures exist to ensure the confidentiality of EAP records. Contact the Human Resources Department for further information.

It is the intent of the Office of Criminal Justice Planning to ensure by execution of this statement of compliance that each employee shall abide by the terms of the Drug-Free Workplace Statement (Section 8355(c)).

### **1012.3 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. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she 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, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should avoid taking 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 his/her 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/ Office] while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

#### 1012.3.2 SUBSECTION TITLE

### **1012.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Consumption of alcohol while on-duty or on department premises for any other reason is strictly prohibited.

## *Drug- and Alcohol-Free Workplace*

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **1012.5 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 Human Resources Department, 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.

### **1012.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### **1012.7 REQUESTING SCREENING TESTS**

The supervisor may request an employee to submit to a screening test under 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 his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

#### **1012.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

## *Drug- and Alcohol-Free Workplace*

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### **1012.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

### **1012.8 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).

### **1012.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Sick Leave

### 1014.1 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.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1014.2 POLICY

It is the policy of the Ontario Police Department to provide eligible employees with a sick leave benefit.

### 1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1014.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and preferably no less than one hour before the start of their scheduled shifts or as soon as practicable. (Labor Code § 246m ) If a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible, provide reasonable advanced notification as soon as practicable. (Labor Code § 246m).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting any applicable documentation describing the type of time off used and the specific amount of time taken.

## *Sick Leave*

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### **1014.4 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 least once per week to provide an update on their absence and expected date of return, unless otherwise directed by their supervisor.

### **1014.5 REQUIRED NOTICES**

The Human Resources 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.

### **1014.6 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (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 Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected [department/office] operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

## Communicable Diseases

### 1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

### 1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.



## *Communicable Diseases*

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### 1016.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer. The ECO shall be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

### 1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

### 1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

## *Communicable Diseases*

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The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

### 1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

### 1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

### **1016.3 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

#### 1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

#### 1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body

## *Communicable Diseases*

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with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

### 1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

### 1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

### 1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

## *Communicable Diseases*

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Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

### 1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

### 1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

### 1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

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### 1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

### 1016.3.10 NON EXPOSURE BODILY FLUID CONTACT DOCUMENTATION INSTRUCTIONS **If an employee reports bodily fluid contact that does not meet the criteria of an exposure (refer to the flow chart attached)**

1. Have the exposed employee complete the County of San Bernardino Department of Public Health Exposure Documentation Report.
2. Check the Documentation Only box near the top upper left portion of the form.
3. Add (write out) the call incident number and/or the report number to the top of the county form.
4. Attach a printout of the call.
5. Give the (Gold) bottom copy to the employee for their records.
6. Email OFD Nurse Pam Martinez Pmartinez@ci.ontario.ca.us to advise her the report form is on its way through Inter-Departmental Mail.
7. Send the county report form to Nurse Pam Martinez at OFD Station #1.

#### **Example:**

The suspect in a pursuit is suicidal and has cut his wrists. At the termination of the pursuit, the officer handcuffing the suspect gets blood on his hands/arms. The officer has no open wounds or injuries where bodily fluids were comingled. This does not rise to the level of an exposure but should be documented on the county form.

### 1016.3.11 WATCH COMMANDER RESPONSIBILITIES - INFECTIOUS EXPOSURE

1. Refer to flow chart to determine if an actual "exposure" has occurred.
2. Lexipol 1016.5 explains the source blood testing procedure. (copy in packet)
3. Contact LEMS to draw suspect's blood sample, purple and gray vials.
4. Complete the SBCO Lab Test Request Form (the requested tests box's have already been checked) (in packet- Highlighted areas) "Patient" is the suspect/arrestee not the officer.
5. Complete the County of San Bernardino Department of Public Health Exposure Documentation Report (in packet) "Patient" is the suspect/arrestee not the officer.
6. Scan and email the Lab Test Request Form and the County of San Bernardino Department of Public Health Exposure Documentation Report to Linda Ward, SB County Laboratory Director at lward@dph.sbcounty.gov or you can fax a copy to (909) 383-3094.

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7. In your email to the Laboratory Director, copy (cc) the City's Risk Manager, the Patrol Captain, the OFD Nurse, the Designated Infectious Control Officer (DICO) and the OPD Evidence Technicians.
8. Attach the ORIGINAL (top white copy) SBCO Lab Test Request Form to the suspect's blood samples and place it into the evidence refrigerator; no evidence tag required.
9. An Evidence Technician will transport the blood sample to the SBCO Lab for testing ASAP.
10. Elog the exposure/injury so Risk Management and Administration are aware of occurrence.
11. Employee will need to go to Concentra/US Healthworks for a baseline blood draw and physician consultation.
12. Fill out the City of Ontario Report of Employee Injury form (in packet).
13. Fill out the Worker's Compensation Claim form only if employee is treated at a medical facility (in packet).
14. Route all of the original paperwork and employee injury forms to the Patrol Captain.
15. The OFD Nurse will make a follow-up call to the Public Health Lab and share the result information with the exposed person.

### **1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

#### **1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

#### **1016.4.2 SUPERVISOR REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.
- (f) Current location of material or person.

## *Communicable Diseases*

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- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

### 1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

### 1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

### 1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

## *Communicable Diseases*

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The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

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.

### **1016.5 SOURCE TESTING**

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Ontario Police Department qualifies as a crime victim (Penal Code § 1524.1).

#### **1016.5.1 EXPOSURE FROM A NON-ARRESTEE**

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.



## *Communicable Diseases*

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If consent is not obtained, the ECO should promptly consult with City Attorney and consider requesting that a court order be sought for appropriate testing.

### 1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) 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.
- (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 ECO 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 ECO should seek consent or a court order in the same manner as for a non-arrestee.

## Personnel Complaints

### 1019.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

#### 1019.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Internal Affairs Division depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Division, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 1019.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

#### 1019.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained at the front desk and in the Watch Commander's office. Forms may also be available at other City government facilities.

#### 1019.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

## *Personnel Complaints*

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- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

### 1019.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (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) 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.

### 1019.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

### 1019.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

## *Personnel Complaints*

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In general, the primary responsibility for the investigation of a personnel complaint shall rest with an Internal Affairs Division supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Chief of Police are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Internal Affairs Division for further action.
  - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  - 2. When the complaint involves allegations of injury, immediate medical attention will be provided if necessary and photographs of alleged injuries, as well as accessible areas of non-injury, should be taken.
  - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Bureau Commander or the Chief of Police who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Human Resources Department and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

### **1019.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Chief of Police or his designee may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

#### **1019.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

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- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

### **1019.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

### **1019.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

Whether conducted by a supervisor or an assigned member of the Internal Affairs Division, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

## Personnel Complaints

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- (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).
- (k) 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).

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### 1019.6.1 ADMINISTRATIVE SEARCHES

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.

### 1019.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary Of Allegations** - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence As To Each Allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

### 1019.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

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**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### **1019.8 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. 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. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

#### **1019.8.1 CONFIDENTIALITY OF PERSONNEL 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 five 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 Internal Affairs Division apart from the employee's personnel file.

## Seat Belts

### 1022.1 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).

#### 1022.1.1 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.

### 1022.2 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.

### 1022.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

Exceptions to the requirement to use safety restraints on arrestees may be made only in exceptional situations due to unusual circumstances, For example: Where restraining a violent or combative suspect with a seat belt would endanger the member.

Members must be prepared to justify any deviation from this requirement.

#### 1022.3.1 NOTIFICATIONS

Any member who transports a person of the opposite sex shall advise Dispatch over the radio of their starting and ending vehicle mileage, regardless of the reason for transport.

### 1022.4 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.

## *Seat Belts*

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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.

### **1022.5 POLICY**

It is the policy of the Ontario Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### **1022.6 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).

### **1022.7 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

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the Ontario 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.

### 1024.3 ISSUANCE OF BODY ARMOR

The Training Division supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Ontario Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Division supervisor 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.

#### 1024.3.1 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.

#### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

### 1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

### 1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Personnel Files

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

### 1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Department File** - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

**Division File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations.

**Supervisor Log Entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

**Training File** - Any file which documents the training records of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

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### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

### **1026.5 REQUESTS FOR DISCLOSURE**

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

#### **1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

## *Personnel Files*

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### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee

### **1026.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

- (a) Office of the Chief of Police
- (b) The Supervisor's Office
- (c) The Watch Commander's Office
- (d) The Personnel and Training Division

#### **1026.7.1 DEPARTMENT FILE**

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
  - 1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
  - 2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:



## Personnel Files

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1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).
  2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
  3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305).
1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
  2. Any such employee response shall be attached to and retained with the original adverse comment.
  3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.
- (g) A photograph of the employee shall be permanently retained.

### 1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.

## *Personnel Files*

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2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

### 1026.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Division in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Internal Affairs Division. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
  1. Each investigation file shall have a letter designation "C" for citizens complaint or "I" for internal investigation and be sequentially numbered within a calendar year (e.g., C-yy-001, I-yy-002).
  2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).
- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

### 1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Personnel and Training Division for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

### 1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

## *Personnel Files*

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- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

### **1026.8 PURGING OF FILES**

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

## Special Assignments

### 1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for special assignments are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### 1028.2 APPLICATION FOR SPECIAL ASSIGNMENT

All special assignments are for a period of one year. The hours for this assignment flex depending on the investigation being conducted.

You will be eligible for annual extensions by request and upon the recommendation of your supervisor(s) to the Bureau Commander. The duration of your service in this temporary assignment is at the discretion of the Bureau Commander or the Chief of Police.

Personnel wishing consideration for a special assignment are to complete an Application for Special Assignment form. The form should then be forwarded through the chain of command to the appropriate Bureau Commander.

#### 1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

The Application For Special Assignment form will generally remain in effect for one year from the date the eligibility list is established or until it is superseded by a new eligibility list.

# Employee Commendations and Performance Awards

## 1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

## 1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

## 1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

## Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

### 1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (c) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### 1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

## *Fitness for Duty*

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### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. 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 examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

## *Fitness for Duty*

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- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period

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.

It is incumbent upon the employee to notify a supervisor when they have, or it appears they may work more than 16 hours in a 24 hour period.

### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.



## Meal Periods and Breaks

### 1034.1 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.

#### 1034.1.1 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 the Dispatch 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 the authorized time allowed.

#### 1034.1.2 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.

## Lactation Break Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

### 1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030) or utilize their own paid leave.

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

*Lactation Break Policy*

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**1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

## Overtime Compensation Requests

### 1036.1 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.

#### 1036.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

### 1036.2 REQUEST FOR OVERTIME PAYMENT

Employees shall input all overtime on their timecard for verification by their immediate supervisor. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

#### 1036.2.1 SUPERVISORS RESPONSIBILITY

The supervisor should verify that the overtime was worked before approving the request.

### 1036.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., three hours for Court, two hours for outside overtime).

#### 1036.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.5
31 to 45 minutes	.75
46 to 60 minutes	1 hour

## *Overtime Compensation Requests*

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### 1036.3.2 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.

### **1036.4 EXTRA-DUTY OVERTIME PURPOSE AND SCOPE**

The Ontario Police Department has a long history of providing professional and courteous police service to the citizens who reside in and visit the city. While working extra-duty assignments, employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Ontario Police Department. All City employees will provide a high level of service that reflects favorably upon the City of Ontario and Ontario Police Department.

These guidelines are meant to clarify or supplement existing policies and procedures. Employees shall adhere to all Police Department Policies, Procedures and Rules and Regulations. Violations of these guidelines, and/or policies and procedures may result in disciplinary action. In addition to any discipline, the privilege to work an extra-duty assignment will be suspended for a period of thirty (30) days. A second violation will result in a sixty-day (60) suspension of privileges. Any further violations may result in a greater suspension or a permanent ban from extra-duty assignments. All employees who have had their extra-duty assignments status suspended shall be notified in writing of their suspension and the duration of such suspension. Before disciplinary action is taken, the disciplinary procedure that is outlined in the bargaining unit's Memorandum of Understanding with the City and the Officer's Bill of Rights will be adhered to.

#### 1036.4.1 ELIGIBILITY FOR ASSIGNMENT

All Supervisors, Officers and Professional Staff employees who wish to be assigned extra-duty assignments shall acknowledge these guidelines prior to working any extra duty assignment. Light duty and/or modified duty status prohibits an employee from working extra duty assignments.

Selection of personnel for extra-duty assignments will originate from a list of those eligible to work extra-duty assignments maintained by the extra-duty coordinator. Employees will be notified about an extra-duty event assignment by the use of the departmental e-mail system and/or text messaging. Selection for a position will be made from a rotating eligibility list in order of seniority. This process will conform to any future department overtime regulations.

#### 1036.4.2 DOUBLE BOOKING

Employees will not take on assignments for two different events that occur at the same time. Employees will not take on multiple assignments at the same event. Employees will not volunteer to work a shift that conflicts with an assigned extra-duty assignment.

## *Overtime Compensation Requests*

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### 1036.4.3 EMPLOYEE REPLACEMENTS

If an employee is unable to work their assignment, it is their responsibility to notify the scheduling technician or officer so that a suitable replacement can be found. Only employees authorized to work extra-duty assignments are eligible to be used for replacements.

### 1036.4.4 TRANSPORTATION

Employees may utilize a marked police vehicle or approved city vehicle for transportation to an extra-duty assignment unless told otherwise by a supervisor.

### 1036.4.5 DISCIPLINARY STATUS

Employees shall not work extra-duty assignments during periods of suspensions, or when placed on administrative leave.

### 1036.4.6 TARDINESS

Employees assigned to an event will report to the event location on time, prepared for duty. Employees who fail to report for an assignment may be subject to discipline. Further violations may result in being removed from the extra-duty list and/or working future assignments.

### 1036.4.7 APPEARANCE

Employees will report for duty in a clean class "B" uniform unless otherwise specified by the event(s) coordinator and/or supervisor. All officers shall comply with the OPD Personnel Appearance Standards and Uniforms Regulations Policy.

### 1036.4.8 DEPLOYMENT

The event supervisor will prepare an operational plan and conduct a briefing for all significant events. Which events are significant, will be determined by the event coordinator and/or supervisor. All personnel shall report to their assigned positions/areas as soon as possible following the briefing. Personnel shall remain in their assigned areas unless otherwise directed. Employees shall not congregate with other employees, other than their assigned partner or supervisor when not actively responding to an incident.

Some venues and/or event organizers may require personnel to sign-in upon arrival and sign-out upon completion of their assignment. Handheld event radios may be required for officers to carry in addition to department issued radios. All personnel shall adhere to this request and any discrepancies shall be reported to the event supervisor. If a conflict or discrepancy arises with non-sworn personnel, officers should refrain from engaging with such personnel and immediately notify the event supervisor.

Cell phone usage should be limited to purposes related to the extra-duty assignment. Personal phone calls and electronic communications should be kept to a minimum and when feasible, should occur out of public view. Certain events may strictly prohibit cell phone usage in designated areas and all personnel shall adhere to such restrictions.

## *Overtime Compensation Requests*

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### 1036.4.9 BREAKS

All breaks will be approved by a supervisor. Employees are responsible to monitor their radios during breaks in the event they are needed for an emergency. Employees may either bring their own food or purchase food and drinks from the business or vendors. Breaks will be taken out of public view when possible.

### 1036.4.10 ENFORCEMENT

If Private Security Officers are working the event, they will be responsible for the security of the location and will respond to and take control of incidents. Extra-duty officers should not generally involve themselves in security matters unless asked to assist by security officers. However, if an incident arises that is obviously of an extreme violent nature, has the potential to become violent or is already beyond the control of the Security Officers, the extra-duty officers shall assist.

Officers shall notify the event supervisor prior to ejecting a guest from the event site. No juvenile(s) shall be ejected from the event site without their responsible adult or parents being notified; this also applies if officers are merely assisting the security personnel. Arrests, interviews and related paperwork will be the responsibility of the initiating officer. Transportation and booking will be handled by the Patrol Division (when possible) or by OPD jail personnel.

Officers will advise the manager or event supervisor when assisting with an ejection of a guest from the business or event site. As in any investigation, officers shall obtain information identifying employees and all witnesses to incidents involving enforcement action. Officers are encouraged to utilize their body worn video recorder during all contacts with the public outside of a normal conversation, but will record contacts as outlined in the policy manual.

### 1036.4.11 INCIDENT NOTES

Officers should generate a call-for-service through OPD Dispatch and shall note, on the call, any service provided by OPD personnel. At the conclusion of the event, officers shall provide the event supervisor with all information related to police activities during their assignment. When required, the event supervisor shall log such activities with on-site security/administrators and draft an internal After Action Report. Incident/Crime Reports will be completed prior to the conclusion of the extra-duty assignment when possible. Police reports may be completed on the officer's regular work shift with approval from a Supervisor.

### 1036.4.12 REPORT OF HOURS WORKED

Officers working an extra-duty overtime assignment will be allotted 15 minutes extra time before the start of an event. Officers shall arrive at the event on or before the scheduled start time ready to work. Hours worked may vary from originally scheduled hours. Scheduled hours are subject to change based on the needs of the event. The final determination will be made by the police supervisor.

The officer's release time from the event will be the time reflected on the employees time card.

Officers will be compensated for the actual time worked at the event or a minimum of two hours, whichever is greater.

## Outside Employment

### 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

#### 1040.1.1 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.

### 1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

#### 1040.2.1 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.



## *Outside Employment*

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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).

### **1040.2.2 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

### **1040.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

## *Outside Employment*

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### 1040.3.1 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.

### 1040.3.2 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.

### 1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

## *Outside Employment*

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### **1040.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

#### **1040.4.1 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.

### **1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### **1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

## *Outside Employment*

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- (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.

When the disabled member returns to full duty with the Ontario Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

## Personal Appearance Standards

### 1043.1 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.

### 1043.2 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.

#### 1043.2.1 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.

#### 1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### 1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### 1043.2.4 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.

#### 1043.2.5 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.

#### 1043.2.6 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.

## *Personal Appearance Standards*

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Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

### **1043.3 TATTOOS**

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

### **1043.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

## Uniform Regulations

### 1045.1 PURPOSE AND SCOPE

The uniform policy of the Ontario Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of uniforms. Employees should also refer to the following associated policies:

[Department/Office] 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 Ontario 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.

#### 1045.1.1 UNIFORM STANDARDS

The Appearance and Standards Committee shall be responsible for developing standards relating to the maintenance and appearance of all Department uniforms and non-uniform attire. The Appearance and Standards Committee shall serve as an advisory board to the Chief of Police and/or his/her designee, assisting in the development, interpretation, and application of uniform/non-uniform attire standards.

- (a) Members of the Department seeking to add, change, alter, or modify any part of any Department uniform, dress code, or grooming standards shall process their requests, via memorandum, to the Appearance and Standards Committee for consideration and recommendation to the Chief of Police.

### 1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.

## *Uniform Regulations*

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- (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) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wrist watch
  - 2. Wedding ring(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

### 1045.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.

### 1045.3 UNIFORM CLASSES

**Class A Uniform** - The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed.

**Class B Uniform** - The Class B uniform may be worn on a day-to-day basis, as assignment dictates. A long sleeve or short sleeve shirt may be worn at the officer's discretion.



## *Uniform Regulations*

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**Class C Uniform** - The Class C uniform may only be worn when authorized by the member's Lieutenant or designee, unless otherwise specified in this policy.

**Class D Uniform** - The Class D uniform is the daily uniform for personnel operating a motorcycle in conjunction with traffic enforcement.

**Special Assignment Uniform** - This uniform is designed for specialized unit, at the discretion of their Bureau Commander, when it is necessary to adapt to work assignments.

### 1045.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. Sworn officers may wear a Class A uniform on a daily basis if they so choose. A Class A uniform is required for all sworn personnel.

#### 1. Class A Uniform (Chief, Deputy Chief, Captain, Lieutenant)

- (a) Soft hat, silver braid around circumference, silver braid on bill (optional).
- (b) Eisenhower jacket (optional).
  - 1. Chief shall have four 2-inch braids extending around the front portion of both lower sleeves to the seam. The bottom edge of the first braid shall be three inches above the edge of the jacket cuff. Spacing between each additional braid shall be 1/4" from edge to edge.
  - 2. Deputy Chief shall have three 2-inch braids extending around the front portion of both lower sleeves to the seam. The bottom edge of the first braid shall be three inches above the edge of the jacket cuff. Spacing between each additional braid shall be 1/4" from edge to edge.
  - 3. Captain shall have three 2-inch braids extending around the front portion of both lower sleeves to the seam. The bottom edge of the first braid shall be three inches above the edge of the jacket cuff. Spacing between each additional braid shall be 1/4" from edge to edge.
  - 4. Lieutenant shall have two 2-inch braids extending around the front portion of both lower sleeves to the seam. The bottom edge of the first braid shall be three inches above the edge of the jacket cuff. Spacing between each additional braid shall be 1/4" from edge to edge.
- (c) Long sleeve shirt, tie and silver tie bar. Tie bar worn even with the bottom of pocket flaps.
- (d) Trousers.
- (e) Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- (f) Plain black, round-toed shoes or boots (Tennis/Athletic shoes are not acceptable).
- (g) Leather belt and holster assembly (without baton & keys) (not worn with Eisenhower jacket).

## *Uniform Regulations*

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### 2. Class A Uniform (below the rank of Lieutenant)

- (a) Soft hat (optional).
- (b) Eisenhower jacket (optional). Rank displayed on sleeves.
  - 1. Sergeants shall have a single 2-inch braids extending around the front portion of both lower sleeves to the seam. The bottom edge of the first braid shall be three inches above the edge of the jacket cuff.
  - 2. No other personnel who wear Eisenhower jackets will have silver braids.
- (c) Long sleeve shirt, tie and silver tie bar. Tie bar worn even with the bottom of pocket flaps.
- (d) Trousers.
- (e) Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- (f) Plain black, round-toed shoes or boots (Tennis/Athletic shoes are not acceptable).
- (g) Leather belt and holster assembly (without baton & keys).

Class A uniform for this classification will be the same for officers below the rank of Lieutenant with the following exceptions:

### 3. Class A Uniform for Motor Officer

- a. Motor britches style trousers, with silver stripe down sides.
- b. Black motor boots.

### 4. Class A Uniform for Professional Staff Personnel

Employees who wear a department issued uniform will follow the uniform regulation policy described below.

Light blue shirts are worn without silver P-buttons.

Jewelry for all personnel shall be safe. Dangling jewelry is not acceptable. Necklaces will be worn inside of uniform shirts. Any modifications from the uniform standards listed below shall be at the discretion of the bureau/division commanders.

### Class A (Female)

- (a) Shirt/Blouse - Long sleeve, light blue,.
- (b) Skirt/Pants - Dark blue, (skirts will be an approved uniform type, no shorter than 2" above the kneecap). Technicians shall only wear pants.
- (c) Cross Necktie, black (black necktie with silver tie bar for Crime Prevention Specialist).
- (d) Belt (black basket weave).

## *Uniform Regulations*

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- (e) Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- (f) Plain black boots or closed toe shoes, heel height of shoes shall not exceed 1 ". Technicians shall wear plain black, round-toed shoes or boots. (Tennis/Athletic shoes are not acceptable.)
- (g) Socks visible shall be black or dark blue. Hosiery shall be worn with skirts.

### Class A (Male)

- a. Shirt - Long sleeve, light blue.
- b. Pants - Dark blue.
- c. White T-shirt.
- d. Necktie, silver tie bar. (Tie bar worn even with bottom of pocket flaps).
- e. Belt (black basket weave).
- f. Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- g. Plain black, round-toed shoes or boots. (Tennis/Athletic shoes are not acceptable).
- h. Socks visible shall be black or dark blue.

### 5. Class A Uniform for Police Chaplains

The regulation uniform for the Police Chaplain shall consist of the following items. It should be noted that the Class A uniform is to be worn when the chaplain is participating in a formal, departmentally approved activity. The Class A uniform shall not be worn when the Chaplain is participating in quarterly meetings, training sessions, or ride-alongs.

- a. Soft hat.
- b. Eisenhower jacket.
- c. Long sleeve white shirt, tie and tie bar.
- d. Navy blue trousers.
- e. Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- f. White gloves.
- g. Black shoes/plain black boots.
- h. Black basket weave belt.
- i. Appropriate Chaplain designation shoulder patches on Eisenhower jacket.

## *Uniform Regulations*

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Conservative business attire may be worn at the discretion of the employees bureau commander when appropriate in lieu of a Class A uniform.

- a. Males shall wear business suit and tie.
- b. Females shall wear dresses or skirt/pant suits with jacket.

### 1045.3.2 CLASS B UNIFORM

The Class B uniform may be worn on a day-to-day basis. A long sleeve or short sleeve shirt may be worn at the officer's discretion. All officers and uniformed personnel will possess and maintain a serviceable Class B uniform at all times.

#### 1. Class B Uniform (All Sworn Personnel)

- (a) Soft hat (optional).
- (b) Shirt - long sleeve or short sleeve.
- (c) White T-Shirt.
- (d) Trousers.
- (e) Black gloves (optional).
- (f) Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- (g) Plain black, round-toed shoes or boots (Tennis/Athletic shoes are not acceptable).
- (h) Leather belt and holster assembly - baton (Sam Browne may be excused by the Bureau Commander for special assignments).
- (i) Dark blue/black cotton dickey/mock turtle neck(optional).
- (j) Baseball hat, black with "ONTARIO POLICE" embroidered on front, sold by OPOA (inclement weather only, Refer to 1046.3.5)

#### 2. Class B Uniform for Motor Officer

Class B uniforms for this classification will be the same as Class B uniform for all sworn personnel, with the following exceptions:

- a. Motor britches style trousers with silver stripe down sides.
- b. Black motor boots.
- c. Jacket - leather, car coat, Eisenhower or windbreaker.

#### 3. Class B Uniform for Professional Staff Personnel

##### Females

- a. Shirt/Blouse - Long or short sleeve, light blue, (white for supervisors).

## *Uniform Regulations*

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- b. Skirt/Pants - Dark blue, (skirts will be an approved uniform type no shorter than 2" above the kneecap). Technicians shall only wear pants.
- c. White T-shirt.
- d. Jacket or sweater (optional).
- e. Cross necktie, black (optional); black necktie with silver tie bar for Crime Prevention Specialist (optional).
- f. Belt (black basket weave).
- g. Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- h. Plain black or dark blue shoes, closed toe, heel height of shoes shall not exceed 1 1/2". Technicians shall wear plain black, round-toed shoes or boots. (Tennis/Athletic shoes are not acceptable).
- i. Socks visible shall be black or dark blue. Hosiery shall be worn with skirts.

### Males

- a. Shirt - Long or short sleeve, light blue, (white for supervisors).
- b. Pants - Dark blue.
- c. White T-shirt.
- d. Jacket (optional).
- e. Necktie, silver tie bar. (optional) Tie bar worn even with bottom of pocket flaps.
- f. Belt (black basket weave).
- g. Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.
- h. Plain black, round-toed shoes or boots. (Tennis/Athletic shoes are not acceptable).
- i. Socks visible shall be black or dark blue.

### Cadet Personnel

- a. Shirt - Long or short sleeve, light blue.
- b. Pants dark blue.
- c. White T-shirt.
- d. Jacket (optional).
- e. Necktie, silver tie bar. (optional) Tie bar worn even with bottom of pocket flaps.
- f. Belt (black basket weave).

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g. Nameplate. (First initial and last name), silver. Nameplate shall be 1/4" tall, and worn in the center of the right pocket, top of the nameplate even with the top seam of the flap of the pocket.

h. Plain black, round-toed shoes or boots. (Tennis/Athletic shoes are not acceptable.)

i. Socks visible shall be black or dark blue.

### Chaplain Personnel

a. Chill chaser jacket with appropriate Chaplain designation shoulder patches; on the left front a cloth badge with

b. White polo shirt with "Chaplain" (embroidered in black) on the right front; on the left front a cloth badge with th

c. White T-shirt

d. Black utility trousers, straight leg, unbloused

e. Plain black boots

f. Black basket weave belt

### 1045.3.3 CLASS C UNIFORM

The Class C uniform may only be worn when authorized by the member's Lieutenant or designee, unless otherwise specified in this policy. A long or short sleeve shirt may be worn at the member's discretion.

#### 1. Class C Uniform (All Sworn Personnel)

a. Polo Shirt - Black with standard OPD patches

b. Black utility trousers, straight leg, unbloused.

c. Black T-shirt

d. Jacket- windbreaker or car coat.

e. Plain black boots.

f. Leather belt and holster assembly.

g. Embroidered first initial/last name.

h. Cloth badge.

i. Black Baseball style hat with "Ontario Police" embroidered on front. (Inclement weather only refer 1046.3.5). Purchased through OPOA at employee's expense.

#### 2. Motor Officer Personnel

Class C uniform for this classification will be the same as Class C uniform for all sworn personnel, with the following exceptions:

a. Motor wheel and arrow are to be worn on both shirt and jacket sleeves 1/2 inch below Department patch or, if rank stripes are worn, below stripes.

## *Uniform Regulations*

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- b. Eye protection (clear lens or sunglasses).
- c. Leather gloves, black or brown.
- d. Department approved full face modular motorcycle helmet to meet D.O.T./SNELL standards. A three quarter black and white finish helmet shall only be worn with the permission of the Traffic Division Lieutenant.

### 3. Dog Handler Personnel

The daily uniform will be Class C. Class C uniform for this classification will be the blue 511 BDU tactical shirt and pants, an exterior vest with standard cloth badge and embroidered cloth name tag.

### 4. Air Support Personnel

The daily uniform will be Class C. During rotorcraft operations, all assigned members shall wear the following approved equipment:

- a. Issued helicopter flight helmet; SPH4, SPH5, or HGU33.
- b. Nomex flight suit consistent with MIL SPEC C-83141A.
- c. Nomex gloves conforming to MIL SPEC G-181188B.
- d. Approved black boots conforming to CAL OSHA standard 3408.
- e. Belt or shoulder holster made of Cordura nylon.
- f. Regulation handgun.
- g. Pilots shall carry a flashlight capable of illuminating critical flight instruments in the event of electrical power failure.
- h. Tactical Flight Officers shall carry at least one set of handcuffs.

### 5. Civilian Personnel

#### 1. Department Issue Uniform Shirts

- a. Approved styles for women are polo, ¾ length sleeve, long or short sleeve blouse, royal blue in color.
- b. Approved styles for men are polo, long or short sleeve button-down collar dress shirts, royal blue in color.
- c. Uniform shirts will carry the appropriate Bureau and Division embroidery logo on the left-chest area.
- d. Uniform shirts may be worn tucked or un-tucked, provided midriff areas are fully covered by the uniform shirt at all times.
- e. Employees may only wear department issue uniform shirts as part of their Class C uniform attire.

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### 2. Pants or Skirts

- a. The Department will issue black uniform work pants as part of the Class C uniform attire.
- b. Employees may provide their own black dress or work pants, provided they are free of embellishments or visible markings
- c. Women may provide their own black dress skirt, provided they are no shorter than 2" above the kneecap and are free of embellishments or visible markings

### 3. Belts

- a. The Department will provide a black leather belt as part of the Class C uniform attire
- b. Employees may provide their own black leather belt, provided they are free of embellishments or visible markings

### 4. Footwear

- a. The Department will provide black leather shoes or boots as part of the Class C uniform attire.
- b. Employees may provide their own black shoes or boots, provided they are free of embellishments or visible markings.
- c. Women's dress shoes may have an opened toe, however they must have a heel strap and the heel height must not exceed 3 1/2".
- d. Socks worn must be black.

### 5. Outerwear

- a. The Department will provide black windbreaker jackets as part of the Class C uniform attire.
- b. Employees may provide their own black jacket or button-up sweater, provided they are free of embellishments or visible markings. Athletic sweat shirts are not permitted as outerwear

### 6. Name Badges

- a. Employees will be provided with a Department issue name badge indicating their name and title.
- b. Employees may display either their first name or first initial only at their preference.
- c. Name badges will be worn in the right-chest area, displayed at all times while on-duty.

### 6. Communications Personnel

#### 1. Department Issued Uniform Shirts

- (a) Polo Shirt- Department issue navy blue long or short sleeve with standard OPD patches and communications rocker.
- (b) Cloth "Dispatcher" badge on left chest area



## *Uniform Regulations*

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- (c) Employee's name may be displayed via embroidery, Dispatch issued nameplate, or other suitable method as approved by Manager for consideration. Embroidery shall be consistent with other department name embroidery and consistent among dispatchers.
- (d) Uniform shirts may be tucked or untucked at employee's discretion.
- (e) Employees may provide their own long sleeved shirt or turtle neck shirt to wear underneath their department issued uniform shirts as part of their Class C uniform attire. Visible part of the undershirt shall be white, blue or black in color.
- (f) If at any time the uniform is worn outside of the Police Department facility or 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.

### 2. Pants

- (a) The Department will issue navy uniform work pants or BDUs as part of the Class C uniform attire. Employee may seek approval from Manager for alternative pant style.

### 3. Belts

- (a) The Department will provide a black leather belt as part of the Class C uniform attire. Belt is optional unless shirt is tucked (unless belt loops are reasonably covered by Dispatch issued sweatshirt, jacket, etc).

### 4. Footwear

- (a) The Department will provide black leather shoes or boots as part of the Class C uniform attire.
- (b) Employees may provide their own closed toe black shoes or boots, provided they are free of embellishments, colored laces, alternate colored edging or other visible markings. Sandals are not permitted.
- (c) Socks worn must be plain black, blue, or white.
- (d) **\*\*TACTICAL DISPATCH UNIFORM GUIDELINES PENDING \*\***

### 5. Outerwear

- (a) The Department will provide navy sweaters and black "Admin Service Bureau" windbreaker jackets as part of the Class C uniform attire. Class A chill chaser jackets with shoulder patches shall be permitted provided they are not worn outside of the Ontario Police Department facility. Dispatchers may also provide their own Manager approved solid black jacket or solid black sweater. All such items shall be free of embellishment, decoration, logo, wording, or other visible markings. Athletic sweatshirts other than Dispatch issued sweatshirt are not permitted as outerwear.

### 6. General Uniform Considerations

- (a) All uniform attire will be well kept, clean and worn appropriately sized for an office environment.

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- (b) Uniform shirts will remain buttoned from above the chest area to the bottom of the shirt while on-duty.
- (c) Shoes will be kept fully laced, buckled or otherwise securely worn while on duty. Women receiving matron duty stipend will be required to keep non-heeled shoes available to perform searches.
- (d) Professional staff working in specialized clerical, office or management positions will be permitted to wear non-uniform attire during their normal duties. Professional Business Attire for Non-Uniform Assignments & Casual Dress Standards Assignments within the Administrative Services Bureau that do not require uniform attire will adhere to the following office dress requirements.
- (e) Non-Uniform Dress
  - Dispatch employees will be permitted to wear appropriate attire on City paid holidays, employee birthday, overtime shifts and Saturdays.
    1. Dispatch employees who choose to wear non uniform attire are required to wear clothing that fits properly, is conservative in style and color, clean and not worn or damaged. Employees are expected to work dressed appropriately,
    2. Dispatch employees may wear jeans provided they are in good repair, well-fitting and do not have any rips or embellishments.
    3. Clothing must be fresh, neat, clean and safe, and not hinder the performance of duty.
    4. No item of civilian attire may be worn on duty that would adversely affect the reputation of the Ontario Police Department or the morale of the employees. The following is not permitted:
      - (a) T-shirt / tank top alone or with a zipper jacket (including work jacket) merely to cover up shirt. (t-shirts/tank tops are permitted to accent outfit with business jacket, blouse or sweater)
      - (b) Distasteful printed slogans, buttons or pins.
      - (c) Branded wear, such as Under Armour logo, or PINK across the front side of the shirt (small logo emblem is permitted).
      - (d) Any sweatshirt or hoodie / sporty gym clothes (except City issued sweatshirt).
      - (e) Low cut / plunging shirts or shirts that expose midriff.
      - (f) Swimsuit, tube tops or halter tops.
      - (g) Spandex type pants, skin tight or see-through clothing.
      - (h) Hats/beanies.
    5. Personnel in visible contact with the public (e.g. for a presentation) may be required to wear uniform attire.
    6. Variations of this order may be made by Management staff when it is deemed not conducive for the employee in their assignment to wear such clothing.

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- f. All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- g. All male administrative support personnel authorized to wear professional business attire to work shall wear button or polo style shirts with a collar, slacks or suits that are moderate in style
- h. All female administrative support personnel authorized to wear professional business attire to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style
- i. Women's dress shoes may have an opened toe, however they must have a heel strap and the heel height must not exceed 3 1/2".
- j. The following items shall not be worn as part of professional business attire:
1. T-shirt alone
  2. Swimsuit, tube tops, or halter-tops
  3. Spandex type pants or see-through clothing
  4. Distasteful printed slogans, buttons or pins
- k. Personnel are authorized to wear casual business attire which may include jeans on designated casual dress days, provided they are in good repair, well fitting and do not have any rips, fading, holes, embellishments, emblems, designs or lettering which would adversely affect the reputation of the Police Department.
- l. Personnel in visible contact with the public may be asked to adhere to professional business attire standards on casual dress days.
- m. Variations from this order are allowed at the discretion of the Bureau Director or Division Manager when the employee's assignment or current task is not conducive to the wearing of such clothing.
- n. Supervisory and Management staff reserve the right to determine if Professional Business or Casual Dress attire meets the standards set forth in this directive.
- No item of civilian attire may be worn on duty that would adversely affect the reputation of the Ontario Police Department or the morale of the employees.

### Cadet Personnel

Cadets working a specialized detail (i.e. evidence) may wear a one-piece blue jumpsuit with a Bureau Commander's approval.

### Forensic Specialist Personnel

- a. Polo Shirt - Black.
- b. Cloth "Forensic Specialist" badge.
- c. Embroidered first initial/last name.

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- d. "CRIME SCENE UNIT" in white lettering on back of shirt.
- e. Black utility trousers, straight leg, unbloused.
- f. Black T-shirt.
- g. Plain black, round-toed shoes or boots.

### 1045.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as the Career Criminal Division, Multi-Enforcement Team, Canine Unit, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments. This uniform shall not be worn off duty.

#### 1. Career Criminal Division

- a. T-shirt - Navy blue with silkscreen Ontario Police emblem with unit identifier.

#### 2. Canine Unit

- a. T-shirt - Black with silkscreen Ontario Police emblem with unit identifier.

#### 3. Multi Enforcement Team

- a. T-shirt- Navy blue with silkscreen Ontario Police emblem with unit identifier.

#### 4. Special Weapons and Tactics

- a. SWAT members, to include Crisis Response Team members, will be attired in compliance with the guidelines established by the Unit Commander.

#### 5. Motor Officers

- a. Black Kevlar pants with grey reflective stripe down the sides.
- b. Black Kevlar shirt or Department approved polo shirt.
- c. Black T-shirt.
- d. Department approved black motorcycle boots.
- e. Black Kevlar jacket with reflective stripes.
- f. Department approved baseball hat may be worn when not riding a motorcycle.

#### 6. Bicycle Patrol

- a. Black utility trousers, straight leg.
- b. Black bicycle patrol type shorts.
- c. Plain black round toed shoes or boots.

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### 1045.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear. Inclement weather is defined as:

1. Extreme heat conditions (generally persistent temperatures above 90 degrees).
2. Rainy conditions.
3. Heavy Santa Ana wind conditions (generally persistent gusts over 20 m.p.h.)

### 1045.3.6 HEADGEAR

The Chief of Police has authorized the type and use of Beanies that may be worn by patrol officers during adverse weather conditions.

The following guidelines have been set for OPD Beanies:

1. Beanies are allowed to be worn from dusk to dawn.
2. Beanies are allowed to be worn when the outside temperature is below 45 degrees.
3. Beanies are to be removed while indoors.
4. Beanies are to be worn in a professional manner.
5. Shift Lieutenants can adjust the timeframe and temperature at their discretion.
6. Only official OPD beanies can be worn while on duty.

### 1045.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If the employee desires other than the legal first initial, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed along the top of the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

## *Uniform Regulations*

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- (e) Assignment Insignias - Assignment insignias may be worn as designated by the Chief of Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.
- (i) Achievement Ribbons - All ribbons are worn in order of precedence from the wearer's right to left.
- (j) Uniformed personnel are authorized to wear the American flag ribbon on their Class A or Class B uniform. This ribbon should be worn along with the other achievement ribbons on the left side of the chest, below the badge. The American flag ribbon will be the first ribbon in order followed by the other earned ribbons and finally the assignment ribbons.

### 1045.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

### 1045.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

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- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals or thongs
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing
  - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Ontario Police Department or the morale of the employees.

### **1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Ontario Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Ontario 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.

### **1045.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:

## *Uniform Regulations*

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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. (Policy Manual § 700)

### **1045.7.1 RETIREE BADGES**

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Ontario Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Ontario Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

### **1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Ontario Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Ontario Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.



## Police Cadets

### 1047.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

### 1047.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

### 1047.3 PROGRAM COORDINATOR

A supervisor from the Administrative Services Bureau will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

#### 1047.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

### 1047.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

### 1047.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for civilian employees.

## *Police Cadets*

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### **1047.6 ROTATION OF ASSIGNMENTS**

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Manager.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

### **1047.7 RIDE-ALONG PROCEDURES**

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

### **1047.8 PERFORMANCE EVALUATIONS**

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

# Nepotism and Conflicting Relationships

## 1049.1 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, supervision of youth groups, performance appraisal, discipline and workplace safety and security.

### 1049.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

**Youth Group**- An organization of young people affiliated in any manner with the Ontario Police Department; including School Resource Programs, Explorer Programs, Police Athletic Leagues and any other temporary group affiliations.

**Youth**- Any young person participating in any youth group as defined regardless of age.

**Fraternization**- Conducting social relations with people who are unrelated as though they were siblings, family members, personal friends or lovers.

## *Nepotism and Conflicting Relationships*

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### **1049.2 RESTRICTED DUTIES AND ASSIGNMENTS**

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - 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.
- (f) Other than official contact, no Ontario Police Department Personnel shall fraternize with any youth group member.
- (g) Employees are prohibited from purchasing, leasing, or acquiring any legal or financial interest in any vehicle, trailer, or other type of vessel from any City of Ontario franchise tow company where the employee knows, or reasonably should know, that the vehicle, trailer, or other type of vessel was subject to impound by the Ontario Police Department. This prohibition includes arranging or being the beneficiary of any

## *Nepotism and Conflicting Relationships*

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arrangement for the purchase, lease, or acquisition of any vehicle, trailer, or other type of vessel by or for any third party, relative, subordinate, supervisor, another employee, or via any personal relationship, including marriage or domestic partnership."

### 1049.2.1 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 uninformed, 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 uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

### 1049.2.2 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.

### 1049.2.3 YOUTH ASSOCIATION

Except in the case of immediate family:

No employee of OPD shall enter into a personal relationship, spend time socially or otherwise keep company with any Ontario grade school student, Police Explorer, youth volunteer or youth program member. Nor shall an employee of OPD assigned to a youth program enter into a personal relationship with a family member (grand parent, father, mother, sister, brother, uncle, aunt, cousin) of youth group members.

School Resource Programs, Explorer programs, Police Athletic Leagues, and other programs are included in the definition of YOUTH GROUPS. The definition of YOUTH GROUP shall also include all young people of any age connected with a group in which the Ontario Police Department has official, casual, long term or temporary ties. Persons that reach and pass 18 years of age while still part of an OPD youth program will still be considered "youth."

OPD Employees contact with youth shall end at the conclusion of the work day or event. Youth shall not be dated, called, visited, mailed to or contacted via any form of social media by OPD employees. Appropriate business notifications to youth will of course be necessary and those contacts are exclusively the duty of the staff members assigned to the youth group. If an OPD employee incidentally comes into unexpected and unavoidable association with an OPD youth member, the association shall be documented in a memorandum to the Chief of Police via the employee's Bureau Commander.

## *Nepotism and Conflicting Relationships*

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Employees that have volunteer work or outside jobs will not engage in inappropriate, secret or questionable relationships with minors. Questionable or secret contacts may be defined as: inappropriate visits with, calls to, texts, tweets, mail, email, or other social media contacts with minors associated with their second job or volunteer duty.

## Department Badges

### 1051.1 PURPOSE AND SCOPE

The Ontario Police Department badge and uniform patch as well as the likeness of these items and the name of the Ontario Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 1051.2 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.

#### 1051.2.1 FLAT BADGE

Sworn officers, who are off probation, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet or a commemorative badge (e.g. pink badge, anniversary badge) which will be worn during a commemorative period. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

The purchasing of either badge will be facilitated by the Ontario Police Officer's Association (OPOA) upon the request of a non-probationary officer via memorandum. The memorandum, requesting the purchase, will be forwarded to the Office of the Chief of Police for verification of probationary status and authorization. Once authorized, the completed memorandum will be forwarded to the OPOA for processing of the purchase.

Upon receipt of the badge the OPOA will forward the original memorandum, authorizing the officer's purchase of either badge, to the Personnel and Training Division once the officer takes possession of the badge.

- (a) The Personnel and Training Division shall place the original completed memorandum into the officer's equipment file and record the possession of the flat or commemorative badge on the officer's equipment inventory list.
- (b) The flat or commemorative badge shall be considered property of the Ontario Police Department. In the event of a suspension or termination of employment, the flat or commemorative badge shall be delivered to the Chief of Police, or his designee. Any reimbursement for the purchase price of either badge will be at the discretion of the OPOA.
- (c) Should either badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (d) An honorably retired officer may keep his/her flat or commemorative badge upon retirement.

## *Department Badges*

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- (e) The purchase, carrying or display of either badge is not authorized for non-sworn personnel.

### 1051.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Technician, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 1051.2.3 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.

### 1051.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 1051.4 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 Ontario Police Department. The following modifications shall be included:



## *Department Badges*

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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.

## Modified-Duty Assignments

### 1053.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period. The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

### 1053.2 POLICY

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1053.3 GENERAL CONSIDERATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty Assignment.
- (c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

### 1053.4 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 Bureau Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Bureau 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.

## *Modified-Duty Assignments*

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### **1053.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

#### **1053.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

#### **1053.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### **1053.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

## *Modified-Duty Assignments*

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### **1053.7 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.

#### **1053.7.1 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.

### **1053.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1053.9 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.

## Seniority

### 1058.1 SENIORITY

Seniority in the Department is established first by rank, and secondly by aggregate time served in rank.

When conflict occurs because of identical service dates or dates of appointment/promotion, seniority is determined firstly by the highest band on the eligibility list from which appointments were made, and in the case of identical banding, the determining factor will be the length of time in grade of the previous rank.

If the length of time is the same, the date of hire will be the determining factor.

Officers of the same grade shall rank according to the date of their appointment to that grade.

In situations requiring decision or control, when the officers are of equal ranks, the senior officer will make the decision and exercise control unless otherwise directed by a higher supervisory employee or department regulation.

#### **Seniority for Lateral Officers with the same swear in date:**

Seniority for Lateral Officers with the same OPD swear in date will be determined by the Lateral Officer's years of service with his/her previous department.

#### **Seniority for academy graduates with the same swear in date:**

Seniority for academy graduates with the same OPD swear in date will be determined by their numerical ranking at time of graduation from the academy. This ranking (example: 1st, 2nd 3rd etc) is generally determined by the recruits overall grade point average at the time of graduation.

#### **Seniority for academy graduates and a Lateral Officer with the same swear in date:**

Seniority for academy graduates and a Lateral Officer with the same OPD swear in date will be determined by designating the Lateral Officer as having the highest or first seniority, followed by the academy graduates determined by their numerical ranking at the time of graduation from the academy. This ranking (example: 1st, 2nd 3rd etc) is generally determined by the recruits overall grade point average at the time of graduation.

## Line-of-Duty Deaths

### 1059.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Ontario 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 in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1059.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1059.2 POLICY

It is the policy of the Ontario 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.

### 1059.3 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 the Dispatch Center.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch 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 designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

## *Line-of-Duty Deaths*

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### **1059.4 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 and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

## *Line-of-Duty Deaths*

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Ontario Police Department members may be apprised that survivor notifications are complete.

### 1059.4.1 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.

### 1059.5 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 shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.



## *Line-of-Duty Deaths*

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### **1059.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### **1059.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Bureau 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 (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

## *Line-of-Duty Deaths*

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1059.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Ontario Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

### 1059.6.3 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 Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

## *Line-of-Duty Deaths*

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

## *Line-of-Duty Deaths*

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1059.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

## *Line-of-Duty Deaths*

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

### 1059.6.5 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.

### 1059.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Ontario Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

## *Line-of-Duty Deaths*

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### 1059.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Education benefits (Education Code § 68120)
  - 2. Health benefits (Labor Code § 4856)
  - 3. Worker's compensation death benefit (Labor Code § 4702)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

### 1059.6.8 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:

## *Line-of-Duty Deaths*

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- (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.

### **1059.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's [PIO] should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the [PIO].
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

## *Line-of-Duty Deaths*

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### **1059.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

### **1059.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **1059.10 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.

### **1059.11 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.



# Ontario PD CA Policy Manual

Ontario PD CA Policy Manual - May 05, 2014

## Attachments

## **904 - Spanish PREA Sign.JPG**

# ACTO DE ELIMINACIÓN DE VIOLACIÓN EN PRISIÓN (PREA)

## Sus Derechos:

- \* Usted tiene el derecho de estar seguro(a) en todo momento y no ser sexualmente maltratado(a) o acosado(a) mientras se encuentre en este establecimiento.
- \* Nadie tiene el derecho de pedir o presionarlo(a) a tener sexo o hacer favores sexuales mientras se encuentre en este establecimiento.
- \* Usted no tiene el derecho de pedir ni presionar a ninguna persona a tener sexo o hacer favores sexuales mientras se encuentre en este establecimiento.
- \* Cualquier contacto sexual entre arrestados y el personal, voluntarios o contratistas, es contra la ley. (Consentimiento no es una defensa)
- \* Usted tiene el derecho de no tomar represalias en su contra por reportar este tipo de incidentes.

## Como Reportar:

- \* Usted puede reportar abuso sexual o acoso a cualquier persona que usted sienta confianza; ya sea en persona o por escrito.
- \* Cualquier persona puede reportar abuso sexual o acoso de alguna otra persona y puede esa persona ser anónima. Toda persona que reporta un incidente (ejemplos: amigos, familia, etc.) serán aceptados.
- \* Al reportar abuso sexual o acoso sexual se mantendrá privado y solamente se compartirá con personas que necesitan saber para asegurar su seguridad.

## Después De Reportarlo:

- \* El establecimiento tomara los pasos necesarios para asegurar su seguridad del abusador.
- \* Se proporcionara tratamiento médico según sea necesario.
- \* El incidente será investigado.

## **18-06 (Child-Elder Abuse Reporting Procedures).pdf**



# Training Bulletin

## Ontario Police Department

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18:06

October 9, 2018

### **Child / Elder Abuse Reporting Procedures**

Recently, there have been several child abuse and elder abuse reports that have been approved and routed to the Investigations Division for follow up. In many of the reports officers have not filled out the proper forms that are required by law. Please refer to the information below when documenting these types of crimes.

#### **Child Abuse**

If substantiated, by law, any mandated reporter shall make a verbal report to the 24-Hour Child Abuse Hotline as soon as practically possible and you shall complete a Suspected Child Abuse Form (SS8572) within 36 hours of receiving the information concerning the incident. (PC Section 11166(a).)

By telephone: There are three ways to call in a Child Abuse report:

24-Hour Hotline at 909-384-9233 (local San Bernardino area) or 1-800-827-8724 (outside of local San Bernardino area) or Call 211

By Fax: Complete a Suspected Child Abuse Report (Suspected Child Abuse Report SS 8572) for each child you are reporting and fax it to 909-891-3545 or 909-891-3560

The mandated reporter must complete and submit the form SS8572, even if some of the requested information is "unknown"; please complete all fields on the form. If the information is unknown, enter "unknown."

If you received a CPS referral to follow up on and the abuse is substantiated, you do not have to call the Hotline or complete a Suspected Child Abuse Form (SS8572), unless through your investigation you discover new abuse and/or information that wasn't documented in the original CPS referral.

If a case is determined to be an AOJ, you shall make a verbal report to the 24-Hour Child Abuse Hotline as soon as practically possible and you shall complete a Suspected Child Abuse Form (SS8572) within 36 hours of receiving the information concerning the incident. On the incident information section, give a brief description of the case, where the crime occurred and where the case was transferred to.

Training Bulletin 13-07 dated June 17, 2013 refers to the Child Abuse Summary Report Form (SS8583). We are no longer required to complete this form. This form will only be completed by CPS/Social Services.

## **Adult/Elder Abuse**

If substantiated, by law, any mandated reporter shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have knowledge of an incident that reasonably appears to be abuse of an elder (65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse Welfare and Institutions Code § 15630(b). You shall make a verbal report to the 24-Hour Adult Abuse Hotline as soon as practically possible and you shall complete a Report of Suspected Dependent Adult/Elder Abuse Form (SOC341) within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

By telephone: There are two ways to call in an Adult/Elder Abuse report:

24-Hour Hotline at (877)565-2020 (local San Bernardino area) or Call 211

By Fax: Complete a Report of Suspected Dependent Adult/Elder Abuse Form (SOC 341) and fax it to 909-891-3560 or 909-891-388-6718

A dependent adult is an individual, between 19 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in the state law (Welfare and Institutions Code § 15610.23).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assaults or sex crime (Welfare and Institutions Code § 1510.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

The most updated forms can be found and filled out online. Once completed, just print it out and file in the supplemental form tray in records. Also, you can still handwrite the form, which is located in the report writing room.

Please make sure you indicate in your narrative that the form has been filled out.

You can find the following forms on the intranet located under Department Forms.

Suspected Child Abuse Form (SS8572):

[http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf)

Suspected Dependent Adult/Elder Abuse Form (SOC341):

<http://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC341.pdf>

**(ATTACHMENTS)**

**CONFIDENTIAL REPORT -  
NOT SUBJECT TO PUBLIC DISCLOSURE**

**REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE**

DATE COMPLETED \_\_\_\_\_

*TO BE COMPLETED BY REPORTING PARTY. PLEASE PRINT OR TYPE. SEE GENERAL INSTRUCTIONS.*

**A. VICTIM**  Check box if victim consents to disclosure of information (Ombudsman use only - WIC 15636(a))

NAME (LAST NAME, FIRST NAME)		AGE	DATE OF BIRTH
SSN	GENDER <input type="checkbox"/> M <input type="checkbox"/> F	ETHNICITY	LANGUAGE (✓ CHECK ONE) <input type="checkbox"/> NON-VERBAL <input type="checkbox"/> ENGLISH <input type="checkbox"/> OTHER (SPECIFY)
ADDRESS (IF FACILITY, INCLUDE NAME AND NOTIFY OMBUDSMAN)		CITY	ZIP CODE
			TELEPHONE ( )
PRESENT LOCATION (IF DIFFERENT FROM ABOVE)		CITY	ZIP CODE
			TELEPHONE ( )
<input type="checkbox"/> ELDERLY (65+)	<input type="checkbox"/> DEVELOPMENTALLY DISABLED	<input type="checkbox"/> MENTALLY ILL/DISABLED	<input type="checkbox"/> LIVES ALONE
<input type="checkbox"/> PHYSICALLY DISABLED	<input type="checkbox"/> UNKNOWN/OTHER		<input type="checkbox"/> LIVES WITH OTHERS

**B. SUSPECTED ABUSER** ✓ Check if  Self-Neglect

NAME OF SUSPECTED ABUSER			
ADDRESS		CITY	ZIP CODE
			TELEPHONE ( )
<input type="checkbox"/> CARE CUSTODIAN (type) _____	<input type="checkbox"/> PARENT	<input type="checkbox"/> SON/DAUGHTER	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> HEALTH PRACTITIONER (type) _____	<input type="checkbox"/> SPOUSE	<input type="checkbox"/> OTHER RELATION _____	
GENDER <input type="checkbox"/> M <input type="checkbox"/> F	ETHNICITY	AGE	D.O.B.
		HEIGHT	WEIGHT
		EYES	HAIR

**C. REPORTING PARTY** Check appropriate box if reporting party waives confidentiality to:  All  All but victim  All but perpetrator

NAME	SIGNATURE	OCCUPATION	AGENCY/NAME OF BUSINESS
RELATION TO VICTIM/HOW ABUSE IS KNOWN	STREET	CITY	ZIP CODE
			TELEPHONE ( )
E-MAIL ADDRESS			

**D. INCIDENT INFORMATION - Address where incident occurred**

DATE/TIME OF INCIDENT(S)	PLACE OF INCIDENT (✓ CHECK ONE) <input type="checkbox"/> OWN HOME <input type="checkbox"/> COMMUNITY CARE FACILITY <input type="checkbox"/> HOSPITAL/ACUTE CARE HOSPITAL <input type="checkbox"/> HOME OF ANOTHER <input type="checkbox"/> NURSING FACILITY/SWING BED <input type="checkbox"/> OTHER (Specify)
--------------------------	--

**E. REPORTED TYPES OF ABUSE (✓ CHECK ALL THAT APPLY)**

1. PERPETRATED BY OTHERS (WIC 15610.07 & 15610.63)

- |   |   |  |
|---|---|--|
| a. <input type="checkbox"/> PHYSICAL (e.g. assault/battery, constraint or deprivation, chemical restraint, over/under medication) | b. <input type="checkbox"/> SEXUAL      | c. <input type="checkbox"/> FINANCIAL            |
| d. <input type="checkbox"/> NEGLECT (including Deprivation of Goods and Services by a Care Custodian)                             | e. <input type="checkbox"/> ABANDONMENT | f. <input type="checkbox"/> ISOLATION            |
|   | g. <input type="checkbox"/> ABDUCTION   | h. <input type="checkbox"/> PSYCHOLOGICAL/MENTAL |
|   | i. <input type="checkbox"/> OTHER _____ |  |

2. SELF-NEGLECT (WIC 15610.57(b)(5))

- |  |   |
|--|---|
| a. <input type="checkbox"/> PHYSICAL CARE (e.g. personal hygiene, food, clothing, shelter)       | d. <input type="checkbox"/> MALNUTRITION/DEHYDRATION  |
| b. <input type="checkbox"/> MEDICAL CARE (e.g. physical and mental health needs)                 | e. <input type="checkbox"/> FINANCIAL SELF-NEGLECT (e.g. inability to manage one's own personal finances) |
| c. <input type="checkbox"/> HEALTH and SAFETY HAZARDS (e.g. risk of suicide, unsafe environment) | f. <input type="checkbox"/> OTHER _____   |

ABUSE RESULTED IN (✓ CHECK ALL THAT APPLY)

- NO PHYSICAL INJURY  MINOR MEDICAL CARE  HOSPITALIZATION  CARE PROVIDER REQUIRED  
 DEATH  MENTAL SUFFERING  SERIOUS BODILY INJURY\*  OTHER (SPECIFY) \_\_\_\_\_  
 UNKNOWN

**F. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. DOES ALLEGED PERPETRATOR STILL HAVE ACCESS TO THE VICTIM? DOES THE ALLEGATION INVOLVE A SERIOUS BODILY INJURY (see definition in section "Reporting Responsibilities and Time Frames" within the General Instructions)? PROVIDE ANY KNOWN TIME FRAME (2 days, 1 week, ongoing, etc.). LIST ANY POTENTIAL DANGER FOR INVESTIGATOR (animals, weapons, communicable diseases, etc.).**

CHECK IF MEDICAL, FINANCIAL (ACCOUNT INFORMATION, ETC.), PHOTOGRAPHS, OR OTHER SUPPLEMENTAL INFORMATION IS ATTACHED.

**G. OTHER PERSON BELIEVED TO HAVE KNOWLEDGE OF ABUSE** (family, significant others, neighbors, medical providers, agencies involved, etc.)

NAME	RELATIONSHIP
ADDRESS	TELEPHONE (    )

**H. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM'S CARE** (If unknown, list contact person)

NAME	IF CONTACT PERSON ONLY <input checked="" type="checkbox"/> CHECK <input type="checkbox"/>	RELATIONSHIP
ADDRESS	CITY	ZIP CODE
		TELEPHONE (    )

**I. TELEPHONE REPORT MADE TO**  APS  Law Enforcement  Local Ombudsman  Calif. Dept. of State Hospitals  
 Calif. Dept. of Developmental Services

NAME OF OFFICIAL CONTACTED BY PHONE	TELEPHONE (    )	DATE/TIME
-------------------------------------	---------------------	-----------

**J. WRITTEN REPORT** Enter information about the agencies receiving this report. If the abuse occurred in a LTC facility and resulted in Serious Bodily Injury\*, please refer to "Reporting Responsibilities and Time Frames" in the General Instructions. Do not submit report to California Department of Social Services Adult Programs Division.

AGENCY NAME	ADDRESS OR FAX	<input type="checkbox"/> Date Mailed	<input type="checkbox"/> Date Faxed
AGENCY NAME	ADDRESS OR FAX	<input type="checkbox"/> Date Mailed	<input type="checkbox"/> Date Faxed
AGENCY NAME	ADDRESS OR FAX	<input type="checkbox"/> Date Mailed	<input type="checkbox"/> Date Faxed

**K. RECEIVING AGENCY USE ONLY**  Telephone Report  Written Report

1. Report Received by	Date/Time
-----------------------	-----------

2. Assigned  Immediate Response  Ten-Day Response  No Initial Response (NIR)  
 Not APS  Not Ombudsman  No Ten-Day (NTD)

Approved by \_\_\_\_\_ Assigned to (optional) \_\_\_\_\_

3. Cross-Reported to  CDPH-Licensing & Cert.;  CDSS-CCL;  Local Ombudsman;  Bureau of Medi-Cal Fraud & Elder Abuse;  
 Calif. Dept. of State Hospitals;  Law Enforcement;  Professional Licensing Board;  
 Calif. Dept. of Developmental Services;  APS;  
 Other (Specify) \_\_\_\_\_ Date of Cross-Report \_\_\_\_\_

4. APS/Ombudsman/Law Enforcement Case File Number \_\_\_\_\_



## REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE GENERAL INSTRUCTIONS

### PURPOSE OF FORM

This form, as adopted by the California Department of Social Services (CDSS), is required under Welfare and Institutions Code (WIC) Sections 15630 and 15658(a)(1). This form documents the information given by the reporting party on the suspected incident of abuse or neglect of an elder or dependent adult. **Abuse** means any treatment with resulting physical harm, 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** means the negligent failure of an elder or dependent adult or of any person having the care or custody of an elder or a dependent adult to exercise that degree of self-care or care that a reasonable person in a like position would exercise. **Elder** means any person residing in this state who is 65 years of age or older (WIC Section 15610.27). **Dependent Adult** means any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age (WIC Section 15610.23). Dependent adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility (defined in the Health and Safety Code Sections 1250, 1250.2, and 1250.3).

### COMPLETION OF THE FORM

1. This form may be used by the receiving agency to record information through a telephone report of suspected dependent adult/elder abuse.
2. If any item of information is unknown, enter "unknown."
3. Item A: Check box to indicate if the victim waives confidentiality.
4. Item C: Check box if the reporting party waives confidentiality. Please note that mandated reporters are required to disclose their names, however, non-mandated reporters may report anonymously.

### REPORTING RESPONSIBILITIES AND TIME FRAMES:

Any mandated reporter, who in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be abuse or neglect, or is told by an elder or dependent adult that he or she has experienced behavior constituting abuse or neglect, or reasonably suspects that abuse or neglect has occurred, shall complete this form for each report of known or suspected instance of abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect (self-neglect), isolation, and abandonment) involving an elder or dependent adult.

\***Serious bodily injury** means an injury involving extreme physical pain, substantial risk of death, or protracted loss or impairment of function of a bodily member, organ or of mental faculty, or requiring medical intervention, including, but not limited to, hospitalization, surgery, or physical rehabilitation (WIC Section 15610.67).

Reporting shall be completed as follows:

- If the abuse occurred in a Long-Term Care (LTC) facility (as defined in WIC Section 15610.47) and resulted in serious bodily injury, report by telephone to the local law enforcement agency immediately and no later than two (2) hours after observing, obtaining knowledge of, or suspecting physical abuse. Send the written report to the local law enforcement agency, the local Long-Term Care Ombudsman Program (LTCOP), and the appropriate licensing agency (for long-term health care facilities, the California Department of Public Health; for community care facilities, the California Department of Social Services) within two (2) hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was physical abuse, but did not result in serious bodily injury, report by telephone to the local law enforcement agency within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse. Send the written report to the local law enforcement agency, the local LTCOP, and the appropriate licensing agency (for long-term health care facilities, the California Department of Public Health; for community care facilities, the California Department of Social Services) within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was physical abuse, did not result in serious bodily injury, and was perpetrated by a resident with a physician's diagnosis of dementia, report by telephone to the local law enforcement agency or the local LTCOP, immediately or as soon as practicably possible. Follow by sending the written report to the LTCOP or the local law enforcement agency within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was abuse other than physical abuse, report by telephone to the LTCOP or the law enforcement agency immediately or as soon as practicably possible. Follow by sending the written report to the local law enforcement agency or the LTCOP within two working days.

- If the abuse occurred in a state mental hospital or a state developmental center, mandated reporters shall report by telephone or through a confidential Internet reporting tool (established in WIC Section 15658) immediately or as soon as practicably possible and submit the report within two (2) working days of making the telephone report to the responsible agency as identified below:
  - If the abuse occurred in a State Mental Hospital, report to the local law enforcement agency or the California Department of State Hospitals.
  - If the abuse occurred in a State Developmental Center, report to the local law enforcement agency or to the California Department of Developmental Services.
- For all other abuse, mandated reporters shall report by telephone or through a confidential Internet reporting tool to the adult protective services agency or the local law enforcement agency immediately or as soon as practicably possible. If reported by telephone, a written or an Internet report shall be sent to adult protective services or law enforcement within two working days.

## REPORTING PARTY DEFINITIONS

**Mandated Reporter** (WIC Section 15630 (a)) Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

**Care Custodian** (WIC Section 15610.17) means an administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff: (a) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code; (b) Clinics; (c) Home health agencies; (d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services; (e) Adult day health care centers and adult day care; (f) Secondary schools that serve 18- to 22-year-old dependent adults and postsecondary educational institutions that serve dependent adults or elders; (g) Independent living centers; (h) Camps; (i) Alzheimer's Disease Day Care Resource Centers; (j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code; (k) Respite care facilities; (l) Foster homes; (m) Vocational rehabilitation facilities and work activity centers; (n) Designated area agencies on aging; (o) Regional centers for persons with developmental disabilities; (p) State Department of Social Services and State Department of Health Services licensing divisions; (q) County welfare departments; (r) Offices of patients' rights advocates and clients' rights advocates, including attorneys; (s) The Office of the State Long-Term Care Ombudsman; (t) Offices of public conservators, public guardians, and court investigators; (u) Any protection or advocacy agency or entity that is designated by the Governor to fulfill the requirements and assurances of the following: (1) The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities; or (2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for the protection and advocacy of the rights of persons with mental illness; (v) Humane societies and animal control agencies; (w) Fire departments; (x) Offices of environmental health and building code enforcement; or (y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults.

**Health Practitioner** (WIC Section 15610.37) means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family, and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner.

Any officer and/or employee of a financial institution is a mandated reporter of suspected financial abuse and shall report suspected financial abuse of an elder or dependent adult on form SOC 342, "Report of Suspected Dependent Adult/Elder Financial Abuse".

## MULTIPLE REPORTERS

When two or more mandated reporters are jointly knowledgeable of a suspected instance of abuse of a dependent adult or elder, and when there is agreement among them, the telephone report may be made by one member of the group. Also, a single written report may be completed by that member of the group. Any person of that group, who believes the report was not submitted, shall submit the report.

## **IDENTITY OF THE REPORTER**

The identity of all persons who report under WIC Chapter 11 shall be confidential and disclosed only among APS agencies, local law enforcement agencies, LTCOPs, California State Attorney General Bureau of Medi-Cal Fraud and Elder Abuse, licensing agencies or their counsel, Department of Consumer Affairs Investigators (who investigate elder and dependent adult abuse), the county District Attorney, the Probate Court, and the Public Guardian. Confidentiality may be waived by the reporter or by court order.

## **FAILURE TO REPORT**

Failure to report by mandated reporters (as defined under "Reporting Party Definitions") any suspected incidents of physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) of an elder or a dependent adult is a misdemeanor, punishable by not more than six months in the county jail, or by a fine of not more than \$1,000, or by both imprisonment and fine. Any mandated reporter who willfully fails to report abuse of an elder or a dependent adult, where the abuse results in death or great bodily injury, may be punished by up to one year in the county jail, or by a fine of up to \$5,000, or by both imprisonment and fine (WIC Section 15630(h)).

Officers or employees of financial institutions are mandated reporters of financial abuse (effective January 1, 2007). These mandated reporters who fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$1,000. Individuals who willfully fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$5,000. These civil penalties shall be paid by the financial institution, which is the employer of the mandated reporter, to the party bringing the action.

## **EXCEPTIONS TO REPORTING**

Per WIC Section 15630(b)(3)(A), a mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report a suspected incident of abuse where all of the following conditions exist:

- (1) The mandated reporter has been told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect).
- (2) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
- (3) The elder or the dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.
- (4) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

## **DISTRIBUTION OF SOC 341 COPIES**

**Mandated reporter:** After making the telephone report to the appropriate agency or agencies, the reporter shall send the written report to the designated agencies (as defined under "Reporting Responsibilities and Time Frames"); and keep one copy for the reporter's file.

**Receiving agency:** Place the original copy in the case file. Send a copy to a cross-reporting agency, if applicable.

**DO NOT SEND A COPY TO THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADULT PROGRAMS DIVISION.**

Print

# SUSPECTED CHILD ABUSE REPORT

Reset Form

To Be Completed by Mandated Child Abuse Reporters  
Pursuant to Penal Code Section 11166

CASE NAME: \_\_\_\_\_

PLEASE PRINT OR TYPE

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY					
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO			
	REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE		TODAY'S DATE					
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY							
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)									
	ADDRESS			Street	City	Zip	DATE/TIME OF PHONE CALL			
OFFICIAL CONTACTED - TITLE					TELEPHONE ( )					
<b>C. VICTIM</b> One report per victim	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS			Street	City	Zip	TELEPHONE ( )			
	PRESENT LOCATION OF VICTIM				SCHOOL	CLASS	GRADE			
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME					
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)				
	RELATIONSHIP TO SUSPECT				PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
<b>D. INVOLVED PARTIES</b>	<b>VICTIM'S SIBLINGS</b>									
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX	ETHNICITY
	1. _____				3. _____					
	2. _____				4. _____					
	<b>VICTIM'S PARENTS/GUARDIANS</b>									
	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS			Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )		
	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS			Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )		
	<b>SUSPECT</b>									
SUSPECT'S NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
ADDRESS			Street	City	Zip	TELEPHONE ( )				
OTHER RELEVANT INFORMATION										
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____									
	DATE / TIME OF INCIDENT				PLACE OF INCIDENT					
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)									

SS 8572 (Rev. 12/02)

### DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY- District Attorney's Office; YELLOW COPY-Reporting Party

## **Report of Suspected Adult - Elder Abuse.pdf**

**CONFIDENTIAL REPORT -  
NOT SUBJECT TO PUBLIC DISCLOSURE**

**REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE**

DATE COMPLETED \_\_\_\_\_

*TO BE COMPLETED BY REPORTING PARTY. PLEASE PRINT OR TYPE. SEE GENERAL INSTRUCTIONS.*

**A. VICTIM**  Check box if victim consents to disclosure of information (Ombudsman use only - WIC 15636(a))

NAME (LAST NAME, FIRST NAME) \_\_\_\_\_

AGE \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

SSN \_\_\_\_\_

GENDER

 M  F

ETHNICITY \_\_\_\_\_

LANGUAGE (✓ CHECK ONE)

 NON-VERBAL  ENGLISH  OTHER (SPECIFY) \_\_\_\_\_

ADDRESS (IF FACILITY, INCLUDE NAME AND NOTIFY OMBUDSMAN) \_\_\_\_\_

CITY \_\_\_\_\_

ZIP CODE \_\_\_\_\_

TELEPHONE

( )

PRESENT LOCATION (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

CITY \_\_\_\_\_

ZIP CODE \_\_\_\_\_

TELEPHONE

( )

- ELDERLY (65+)  DEVELOPMENTALLY DISABLED  MENTALLY ILL/DISABLED  LIVES ALONE  
 PHYSICALLY DISABLED  UNKNOWN/OTHER  LIVES WITH OTHERS

**B. SUSPECTED ABUSER**  Check if  Self-Neglect

NAME OF SUSPECTED ABUSER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

ZIP CODE \_\_\_\_\_

TELEPHONE

( )

- CARE CUSTODIAN (type) \_\_\_\_\_  PARENT  SON/DAUGHTER  OTHER \_\_\_\_\_  
 HEALTH PRACTITIONER (type) \_\_\_\_\_  SPOUSE  OTHER RELATION \_\_\_\_\_

GENDER

ETHNICITY \_\_\_\_\_

AGE \_\_\_\_\_

D.O.B. \_\_\_\_\_

HEIGHT \_\_\_\_\_

WEIGHT \_\_\_\_\_

EYES \_\_\_\_\_

HAIR \_\_\_\_\_

 M  F

**C. REPORTING PARTY** Check appropriate box if reporting party waives confidentiality to:  All  All but victim  All but perpetrator

NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

OCCUPATION \_\_\_\_\_

AGENCY/NAME OF BUSINESS \_\_\_\_\_

RELATION TO VICTIM/HOW ABUSE IS KNOWN \_\_\_\_\_

STREET \_\_\_\_\_

CITY \_\_\_\_\_

ZIP CODE \_\_\_\_\_

TELEPHONE

( )

E-MAIL ADDRESS \_\_\_\_\_

**D. INCIDENT INFORMATION - Address where incident occurred**

DATE/TIME OF INCIDENT(S) \_\_\_\_\_

PLACE OF INCIDENT (✓ CHECK ONE)

- OWN HOME  COMMUNITY CARE FACILITY  HOSPITAL/ACUTE CARE HOSPITAL  
 HOME OF ANOTHER  NURSING FACILITY/SWING BED  OTHER (Specify) \_\_\_\_\_

**E. REPORTED TYPES OF ABUSE (✓ CHECK ALL THAT APPLY)**

1. PERPETRATED BY OTHERS (WIC 15610.07 & 15610.63)

- a.  PHYSICAL (e.g. assault/battery, constraint or deprivation, chemical restraint, over/under medication)  
b.  SEXUAL  
c.  FINANCIAL  
d.  NEGLECT (including Deprivation of Goods and Services by a Care Custodian)  
e.  ABANDONMENT  
f.  ISOLATION  
g.  ABDUCTION  
h.  PSYCHOLOGICAL/MENTAL  
i.  OTHER \_\_\_\_\_

2. SELF-NEGLECT (WIC 15610.57(b)(5))

- a.  PHYSICAL CARE (e.g. personal hygiene, food, clothing, shelter)  
b.  MEDICAL CARE (e.g. physical and mental health needs)  
c.  HEALTH and SAFETY HAZARDS (e.g. risk of suicide, unsafe environment)  
d.  MALNUTRITION/DEHYDRATION  
e.  FINANCIAL SELF-NEGLECT (e.g. inability to manage one's own personal finances)  
f.  OTHER \_\_\_\_\_

ABUSE RESULTED IN (✓ CHECK ALL THAT APPLY)

- NO PHYSICAL INJURY  MINOR MEDICAL CARE  HOSPITALIZATION  CARE PROVIDER REQUIRED  
 DEATH  MENTAL SUFFERING  SERIOUS BODILY INJURY\*  OTHER (SPECIFY) \_\_\_\_\_  
 UNKNOWN

**F. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. DOES ALLEGED PERPETRATOR STILL HAVE ACCESS TO THE VICTIM? DOES THE ALLEGATION INVOLVE A SERIOUS BODILY INJURY (see definition in section "Reporting Responsibilities and Time Frames" within the General Instructions)? PROVIDE ANY KNOWN TIME FRAME (2 days, 1 week, ongoing, etc.). LIST ANY POTENTIAL DANGER FOR INVESTIGATOR (animals, weapons, communicable diseases, etc.).**

CHECK IF MEDICAL, FINANCIAL (ACCOUNT INFORMATION, ETC.), PHOTOGRAPHS, OR OTHER SUPPLEMENTAL INFORMATION IS ATTACHED.

**G. OTHER PERSON BELIEVED TO HAVE KNOWLEDGE OF ABUSE** (family, significant others, neighbors, medical providers, agencies involved, etc.)

NAME	RELATIONSHIP
ADDRESS	TELEPHONE ( )

**H. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM'S CARE** (If unknown, list contact person)

NAME	IF CONTACT PERSON ONLY <input checked="" type="checkbox"/> CHECK <input type="checkbox"/>	RELATIONSHIP
ADDRESS	CITY	ZIP CODE
		TELEPHONE ( )

**I. TELEPHONE REPORT MADE TO**  APS  Law Enforcement  Local Ombudsman  Calif. Dept. of State Hospitals  
 Calif. Dept. of Developmental Services

NAME OF OFFICIAL CONTACTED BY PHONE	TELEPHONE ( )	DATE/TIME
-------------------------------------	------------------	-----------

**J. WRITTEN REPORT** Enter information about the agencies receiving this report. If the abuse occurred in a LTC facility and resulted in Serious Bodily Injury\*, please refer to "Reporting Responsibilities and Time Frames" in the General Instructions. Do not submit report to California Department of Social Services Adult Programs Division.

AGENCY NAME	ADDRESS OR FAX	<input type="checkbox"/> Date Mailed	<input type="checkbox"/> Date Faxed
AGENCY NAME	ADDRESS OR FAX	<input type="checkbox"/> Date Mailed	<input type="checkbox"/> Date Faxed
AGENCY NAME	ADDRESS OR FAX	<input type="checkbox"/> Date Mailed	<input type="checkbox"/> Date Faxed

**K. RECEIVING AGENCY USE ONLY**  Telephone Report  Written Report

1. Report Received by	Date/Time
-----------------------	-----------

2. Assigned  Immediate Response  Ten-Day Response  No Initial Response (NIR)  
 Not APS  Not Ombudsman  No Ten-Day (NTD)

Approved by \_\_\_\_\_ Assigned to (optional) \_\_\_\_\_

3. Cross-Reported to  CDPH-Licensing & Cert.;  CDSS-CCL;  Local Ombudsman;  Bureau of Medi-Cal Fraud & Elder Abuse;  
 Calif. Dept. of State Hospitals;  Law Enforcement;  Professional Licensing Board;  
 Calif. Dept. of Developmental Services;  APS;  
 Other (Specify) \_\_\_\_\_ Date of Cross-Report \_\_\_\_\_

4. APS/Ombudsman/Law Enforcement Case File Number \_\_\_\_\_

## REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE GENERAL INSTRUCTIONS

### PURPOSE OF FORM

This form, as adopted by the California Department of Social Services (CDSS), is required under Welfare and Institutions Code (WIC) Sections 15630 and 15658(a)(1). This form documents the information given by the reporting party on the suspected incident of abuse or neglect of an elder or dependent adult. **Abuse** means any treatment with resulting physical harm, 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** means the negligent failure of an elder or dependent adult or of any person having the care or custody of an elder or a dependent adult to exercise that degree of self-care or care that a reasonable person in a like position would exercise. **Elder** means any person residing in this state who is 65 years of age or older (WIC Section 15610.27). **Dependent Adult** means any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age (WIC Section 15610.23). Dependent adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility (defined in the Health and Safety Code Sections 1250, 1250.2, and 1250.3).

### COMPLETION OF THE FORM

1. This form may be used by the receiving agency to record information through a telephone report of suspected dependent adult/elder abuse.
2. If any item of information is unknown, enter "unknown."
3. Item A: Check box to indicate if the victim waives confidentiality.
4. Item C: Check box if the reporting party waives confidentiality. Please note that mandated reporters are required to disclose their names, however, non-mandated reporters may report anonymously.

### REPORTING RESPONSIBILITIES AND TIME FRAMES:

Any mandated reporter, who in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be abuse or neglect, or is told by an elder or dependent adult that he or she has experienced behavior constituting abuse or neglect, or reasonably suspects that abuse or neglect has occurred, shall complete this form for each report of known or suspected instance of abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect (self-neglect), isolation, and abandonment) involving an elder or dependent adult.

**\*Serious bodily injury** means an injury involving extreme physical pain, substantial risk of death, or protracted loss or impairment of function of a bodily member, organ or of mental faculty, or requiring medical intervention, including, but not limited to, hospitalization, surgery, or physical rehabilitation (WIC Section 15610.67).

Reporting shall be completed as follows:

- If the abuse occurred in a Long-Term Care (LTC) facility (as defined in WIC Section 15610.47) and resulted in serious bodily injury, report by telephone to the local law enforcement agency immediately and no later than two (2) hours after observing, obtaining knowledge of, or suspecting physical abuse. Send the written report to the local law enforcement agency, the local Long-Term Care Ombudsman Program (LTCOP), and the appropriate licensing agency (for long-term health care facilities, the California Department of Public Health; for community care facilities, the California Department of Social Services) within two (2) hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was physical abuse, but did not result in serious bodily injury, report by telephone to the local law enforcement agency within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse. Send the written report to the local law enforcement agency, the local LTCOP, and the appropriate licensing agency (for long-term health care facilities, the California Department of Public Health; for community care facilities, the California Department of Social Services) within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was physical abuse, did not result in serious bodily injury, and was perpetrated by a resident with a physician's diagnosis of dementia, report by telephone to the local law enforcement agency or the local LTCOP, immediately or as soon as practicably possible. Follow by sending the written report to the LTCOP or the local law enforcement agency within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was abuse other than physical abuse, report by telephone to the LTCOP or the law enforcement agency immediately or as soon as practicably possible. Follow by sending the written report to the local law enforcement agency or the LTCOP within two working days.



- If the abuse occurred in a state mental hospital or a state developmental center, mandated reporters shall report by telephone or through a confidential Internet reporting tool (established in WIC Section 15658) immediately or as soon as practicably possible and submit the report within two (2) working days of making the telephone report to the responsible agency as identified below:
  - If the abuse occurred in a State Mental Hospital, report to the local law enforcement agency or the California Department of State Hospitals.
  - If the abuse occurred in a State Developmental Center, report to the local law enforcement agency or to the California Department of Developmental Services.
- For all other abuse, mandated reporters shall report by telephone or through a confidential Internet reporting tool to the adult protective services agency or the local law enforcement agency immediately or as soon as practicably possible. If reported by telephone, a written or an Internet report shall be sent to adult protective services or law enforcement within two working days.

## REPORTING PARTY DEFINITIONS

**Mandated Reporter** (WIC Section 15630 (a)) Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

**Care Custodian** (WIC Section 15610.17) means an administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff: (a) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code; (b) Clinics; (c) Home health agencies; (d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services; (e) Adult day health care centers and adult day care; (f) Secondary schools that serve 18- to 22-year-old dependent adults and postsecondary educational institutions that serve dependent adults or elders; (g) Independent living centers; (h) Camps; (i) Alzheimer's Disease Day Care Resource Centers; (j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code; (k) Respite care facilities; (l) Foster homes; (m) Vocational rehabilitation facilities and work activity centers; (n) Designated area agencies on aging; (o) Regional centers for persons with developmental disabilities; (p) State Department of Social Services and State Department of Health Services licensing divisions; (q) County welfare departments; (r) Offices of patients' rights advocates and clients' rights advocates, including attorneys; (s) The Office of the State Long-Term Care Ombudsman; (t) Offices of public conservators, public guardians, and court investigators; (u) Any protection or advocacy agency or entity that is designated by the Governor to fulfill the requirements and assurances of the following: (1) The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities; or (2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for the protection and advocacy of the rights of persons with mental illness; (v) Humane societies and animal control agencies; (w) Fire departments; (x) Offices of environmental health and building code enforcement; or (y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults.

**Health Practitioner** (WIC Section 15610.37) means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family, and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner.

Any officer and/or employee of a financial institution is a mandated reporter of suspected financial abuse and shall report suspected financial abuse of an elder or dependent adult on form SOC 342, "Report of Suspected Dependent Adult/Elder Financial Abuse".

## MULTIPLE REPORTERS

When two or more mandated reporters are jointly knowledgeable of a suspected instance of abuse of a dependent adult or elder, and when there is agreement among them, the telephone report may be made by one member of the group. Also, a single written report may be completed by that member of the group. Any person of that group, who believes the report was not submitted, shall submit the report.

## **IDENTITY OF THE REPORTER**

The identity of all persons who report under WIC Chapter 11 shall be confidential and disclosed only among APS agencies, local law enforcement agencies, LTCOPs, California State Attorney General Bureau of Medi-Cal Fraud and Elder Abuse, licensing agencies or their counsel, Department of Consumer Affairs Investigators (who investigate elder and dependent adult abuse), the county District Attorney, the Probate Court, and the Public Guardian. Confidentiality may be waived by the reporter or by court order.

## **FAILURE TO REPORT**

Failure to report by mandated reporters (as defined under "Reporting Party Definitions") any suspected incidents of physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) of an elder or a dependent adult is a misdemeanor, punishable by not more than six months in the county jail, or by a fine of not more than \$1,000, or by both imprisonment and fine. Any mandated reporter who willfully fails to report abuse of an elder or a dependent adult, where the abuse results in death or great bodily injury, may be punished by up to one year in the county jail, or by a fine of up to \$5,000, or by both imprisonment and fine (WIC Section 15630(h)).

Officers or employees of financial institutions are mandated reporters of financial abuse (effective January 1, 2007). These mandated reporters who fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$1,000. Individuals who willfully fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$5,000. These civil penalties shall be paid by the financial institution, which is the employer of the mandated reporter, to the party bringing the action.

## **EXCEPTIONS TO REPORTING**

Per WIC Section 15630(b)(3)(A), a mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report a suspected incident of abuse where all of the following conditions exist:

- (1) The mandated reporter has been told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect).
- (2) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
- (3) The elder or the dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.
- (4) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

## **DISTRIBUTION OF SOC 341 COPIES**

**Mandated reporter:** After making the telephone report to the appropriate agency or agencies, the reporter shall send the written report to the designated agencies (as defined under "Reporting Responsibilities and Time Frames"); and keep one copy for the reporter's file.

**Receiving agency:** Place the original copy in the case file. Send a copy to a cross-reporting agency, if applicable.  
**DO NOT SEND A COPY TO THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADULT PROGRAMS DIVISION.**

**CI early release form.pdf**



# CITY OF ONTARIO

## MEMORANDUM

### CONFIDENTIAL INFORMANT AGREEMENT

I, \_\_\_\_\_, have been advised by the Ontario Police Department that I have been arrested for the following charges:

Charge #1 \_\_\_\_\_ Charge #3 \_\_\_\_\_  
Charge #2 \_\_\_\_\_ Charge #4 \_\_\_\_\_

I have spoken with a Narcotics Investigator and am fully aware that the assistance I provide the Ontario Police Department today may result in being released on a citation, or released from the Ontario Police Department pending a review of my case by the District Attorney. The assistance I may provide today to the Ontario Police Department, or any other law enforcement agency **will not** be considered in my current case or any other future court proceedings, and no recommendations for leniency or sentencing will be given by the Ontario Police Department as a result of the assistance I provide today.

The Ontario Police Department reserves the right to cancel this agreement at any time.

\_\_\_\_\_  
Confidential Informant Signature

\_\_\_\_\_  
Date

**SS 8572 Suspected Child Abuse Form.pdf**

# SUSPECTED CHILD ABUSE REPORT

To Be Completed by Mandated Child Abuse Reporters  
Pursuant to Penal Code Section 11166

CASE NAME: \_\_\_\_\_

PLEASE PRINT OR TYPE

CASE NUMBER: \_\_\_\_\_

<b>A.</b>	<b>REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY					
		REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO			
		REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE		TODAY'S DATE					
<b>B.</b>	<b>REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY							
		<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)									
		ADDRESS			Street	City	Zip	DATE/TIME OF PHONE CALL			
		OFFICIAL CONTACTED - TITLE				TELEPHONE ( )					
<b>C.</b>	<b>VICTIM</b>	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
		ADDRESS			Street	City	Zip	TELEPHONE ( )			
		PRESENT LOCATION OF VICTIM				SCHOOL	CLASS	GRADE			
		PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME				
		IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)				
		RELATIONSHIP TO SUSPECT				PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
<b>D.</b>	<b>INVOLVED PARTIES</b>	VICTIMS									
		NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX	ETHNICITY
		1. _____				3. _____					
		2. _____				4. _____					
		NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY				
		ADDRESS		Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )			
		NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY				
		ADDRESS		Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )			
		SUSPECT'S NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY				
		ADDRESS		Street	City	Zip	TELEPHONE ( )				
		OTHER RELEVANT INFORMATION									
<b>E.</b>	<b>INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____									
		DATE / TIME OF INCIDENT				PLACE OF INCIDENT					
		NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)									

SS 8572 (Rev. 12/02)

## DEFINITIONS AND INSTRUCTIONS ON REVERSE

**DO NOT** submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party

**Preventing Hate Crimes  
Brochure English Jan 2017.pdf**

**CI ACTIVITY LOG.pdf**



# ACTIVITY LOG

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DATE:

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DATE:

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**Search Warrant Preparation Checklist 1 2017.pdf**

# Ontario Police Department

## Search Warrant Preparation Check List

Business, Phone, or Bank Records Only

CASE # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

THE FOLLOWING IS A CHECK LIST TO ENSURE THAT ALL SEARCH WARRANTS HAVE BEEN REVIEWED FOR ACCURACY PRIOR TO JUDICIAL AUTHORIZATION. **NOTE: BOTH PAGES OF THIS DOCUMENT MUST BE COMPLETED.**

NATURE OF INVESTIGATION (Associated Crime(s)): \_\_\_\_\_

ADDRESS OF LOCATION: \_\_\_\_\_

CONFIDENTIAL LOCATION OR INFORMANT  YES /  NO **IF YES, CONTACT THE HANDLING OFFICER / UNIT**

SUSPECT: LAST NAME		FIRST NAME		MIDDLE	
SEX	RACE	HEIGHT	WEIGHT	DOB	

DOES THE SUSPECT HAVE AN ARREST WARRANT ISSUED FOR THIS CASE?  YES /  NO

WILL LOCATION BE UNDER SURVEILLANCE, PRIOR TO WARRANT SERVICE?  YES /  NO

RECORDS/SYSTEM CHECKED: <i>ATTACH ALL DOCUMENTS</i>	YES	NO	CHECK YES OR NO	INVESTIGATOR	DATE REVIEWED
Booking Records – How Recent?			Charge(s):		
CAD / RMS			Hit <input type="checkbox"/> YES / <input type="checkbox"/> NO		
CII / WPS / NCIC / Control / Out of County			Reviewed <input type="checkbox"/> YES / <input type="checkbox"/> NO		
DMV: CDL, ID Card, Vehicle registration			Reviewed <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Parole Record			On Parole <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Probation Record			On Probation <input type="checkbox"/> YES / <input type="checkbox"/> NO		
CAL Gang			Gang Member <input type="checkbox"/> YES / <input type="checkbox"/> NO		
CAL Photo / Booking			Reviewed <input type="checkbox"/> YES / <input type="checkbox"/> NO		
COP-LINK			Hit <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Field Interview Cards (OPD Web Query)			Hit <input type="checkbox"/> YES / <input type="checkbox"/> NO		
AFS Weapons Check			Weapons Registered to Location, Suspect, or Resident? <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Phone Number Available			Phone # (     )		
<input type="checkbox"/> Narcotics <input type="checkbox"/> Gang <input type="checkbox"/> Investigations <input type="checkbox"/> MET <input type="checkbox"/> LA Clear <input type="checkbox"/> WSIN/RISS			Location of Record? <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Photograph of location if available (must match description written in warrant) Attached			<input type="checkbox"/> YES / <input type="checkbox"/> NO		
Does the location match description on the warrant (even if photo is not available)?			<input type="checkbox"/> YES / <input type="checkbox"/> NO		
Are keys to the location available? <input type="checkbox"/> YES / <input type="checkbox"/> NO			If so, who will have keys?		
Do other people such as <i>children, elderly, mentally ill, or handicapped</i> reside at location?			<input type="checkbox"/> YES / <input type="checkbox"/> NO / <input type="checkbox"/> UNKNOWN		
<b>If YES, describe in the Operation Plan</b>					
Is the location in close proximity to a <i>school, day care center, business, etc.</i> , that is open during the service of the search warrant?			<input type="checkbox"/> YES / <input type="checkbox"/> NO		
<b>If YES, describe in the Operation Plan</b>					
If <b>YES</b> on above, can search warrant be served at another time?			<input type="checkbox"/> YES / <input type="checkbox"/> NO		
Is there sufficient justification (with <b>YES</b> answers to above questions) to proceed with service at this time?			<input type="checkbox"/> YES / <input type="checkbox"/> NO		
<b>If YES, Provide Justification in the Operation Plan.</b>					
Is the warrant endorsed for <b>night service</b> ?			<input type="checkbox"/> YES / <input type="checkbox"/> NO		

# Search Warrant Check List for Escalation to Higher Risk Warrants

CASE # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

ADDRESS OF LOCATION: \_\_\_\_\_

	YES	NO	INVESTIGATOR	DATE REVIEWED
1. Heavily barricaded / fortified location? ( <i>sally-port, internal fortifications, multiple gates, security doors, bars on windows, etc.</i> )				
2. Handguns, automatic and or assault weapons, superior armament, or ballistic protection believed to be on premises? ( <i>high powered rifles, scoped rifles, body armor, building fortification, etc.</i> ) ( <i>C.R.I. information probable cause to believe</i> )				
3. A suspect wanted for armed assault on peace officer or has committed an assault on a police officer in the past or has a violent criminal history? ( <i>Attach</i> )				
4. Potential for a hostage situation?				
5. Counter surveillance? ( <i>closed circuit cameras, intrusion devices, etc.</i> )				
6. Vicious dogs				
7. Third strike candidate?				
8. Threats by suspect against Officers?				

The Department's MET / SWAT Team shall be requested when a planned tactical operation indicates the necessity for their assistance.

When preparing the operation plan, the above checklist shall be incorporated into the plan and shall be used to evaluate the need for assistance from MET /SWAT.

Any number of circumstances may indicate that MET / SWAT should be used. Detective and Patrol Supervisors are encouraged to contact MET / SWAT whenever questions arise in evaluating service options and criteria.

	YES	NO	INVESTIGATOR	DATE REVIEWED
1. MET assistance requested?				
2. SWAT assistance requested?				
3. Pre-Briefing conducted? If so, by whom?				

Sergeant's review of warrant, *prior to judicial signing for accuracy and nexus*

<b>Name:</b>	<b>Signature:</b>	<b>M#:</b>	<b>DATE:</b>
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## CI Packet template.pdf



# CITY OF ONTARIO

## MEMORANDUM



**TO:** Brad Kaylor, Chief of Police  
Michael A Ramos, District Attorney

**FROM:** Paul Berdnik, Lieutenant

**DATE:**

**SUBJECT:** AUTHORIZATION FOR USE OF CONFIDENTIAL  
INFORMANT

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Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Defendant: \_\_\_\_\_, is currently facing charges \_\_\_\_\_

The arrest occurred on \_\_\_\_\_, by Officer/Detective \_\_\_\_\_ of the

Ontario Police Department, DR/Case: \_\_\_\_\_

Current Status is \_\_\_\_\_

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**CONFIDENTIAL**  
**SPECIAL EMPLOYEES REGULATIONS**

NAME: \_\_\_\_\_ AGE \_\_\_\_\_ DOB \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY \_\_\_\_\_

PHONE NO: \_\_\_\_\_ BUSINESS NO: \_\_\_\_\_

EMPLOYED BY: \_\_\_\_\_

I, \_\_\_\_\_, hereby agree to assist the ONTARIO POLICE DEPARTMENT in the investigation of crime and criminal activity in the County of San Bernardino.

I hereby release the City of Ontario, the Ontario Police Department, and any other law enforcement agency from any liability which may occur in the future as a result of these investigations. I am fully aware that I may have to testify in the future court proceedings concerning cases in which I might participate. I have entered into this agreement freely and without duress. I fully understand that I am not to participate in any investigations of criminal activities unless the investigation is being directly supervised by a member of the Ontario Police Department. I agree to follow the instructions of the supervising officer while assisting the Ontario Police Department in any investigation.

\_\_\_\_\_  
Informant





# CITY OF ONTARIO POLICE DEPARTMENT



2500 SOUTH ARCHIBALD ONTARIO, CALIFORNIA 91761 (909)-395-2001

## INFORMANT PERSONAL HISTORY

Date: \_\_\_\_\_

Informant Number: \_\_\_\_\_

Name: \_\_\_\_\_  
Last First

Alias: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State and Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_ Ht: \_\_\_\_\_ Wt: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Scars/Marks/Tattoos: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Employer: \_\_\_\_\_

Occupation: \_\_\_\_\_

CII No: \_\_\_\_\_ SS No: \_\_\_\_\_

FBI No: \_\_\_\_\_

CDL No: \_\_\_\_\_ State: \_\_\_\_\_ Expires: \_\_\_\_\_

Warrants: \_\_\_\_\_

WSIN Information: \_\_\_\_\_ Reliable \_\_\_\_\_ Unreliable \_\_\_\_\_ No Record \_\_\_\_\_ (Yes/No)

Other Criminal History: \_\_\_\_\_ Probation \_\_\_\_\_ Parole \_\_\_\_\_ No Record \_\_\_\_\_ (Yes/No)

Other Explain: \_\_\_\_\_

Parole Agent: \_\_\_\_\_

Vehicle Info: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ License: \_\_\_\_\_

Source of Informant: \_\_\_\_\_

Informant's Motivation: \_\_\_\_\_

Will Informant Testify: Yes \_\_\_\_\_ No \_\_\_\_\_

Special Employees Regulations Form Attached: Yes \_\_\_\_\_ No \_\_\_\_\_

Immediate Family: \_\_\_\_\_  
LAST FIRST MIDDLE

Address: \_\_\_\_\_ Phone No: \_\_\_\_\_

Other Information/Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Officer's Name (Print)

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

Approved: Yes \_\_\_\_ No \_\_\_\_

Remarks by Supervisor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I Agree With The Following:**

1. I will not break any laws during the course of my association with the Ontario Police Department. \_\_\_\_\_
2. I am not an employee of the City of Ontario and will not use the City as a reference. \_\_\_\_\_
3. I will not handle any drugs, at the time, unless authorized to do so by a member of the Ontario Police Department. \_\_\_\_\_
4. I will not disclose my association with the Ontario Police Department to anyone except in answer to a subpoena issued in a Court of Law. \_\_\_\_\_
5. I will not carry any documents or equipment that identifies me with a law enforcement agency. \_\_\_\_\_
6. I will not make any arrests during my association with the Ontario Police Department. \_\_\_\_\_
7. I understand the law as it relates to entrapment. \_\_\_\_\_
8. I understand that I am not a law enforcement officer. \_\_\_\_\_
9. I will not use my association with the Ontario Police Department to resolve personal matters. \_\_\_\_\_
10. I will keep in constant contact with the Ontario Police Department while participating in any investigation. \_\_\_\_\_
11. I will not carry a firearm. \_\_\_\_\_
12. I will not drive a City-Owned vehicle. \_\_\_\_\_
13. I will not release any funds or information entrusted to me until I have first received the drugs I am negotiating for or have been given specific permission.  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Informant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessing Officer

\_\_\_\_\_  
Date

Officer/Detective: \_\_\_\_\_ of the \_\_\_\_\_ Police Department has agreed to use of \_\_\_\_\_ as an informant.

\_\_\_\_\_ Defendant will comply with all lawful instructions, provide information, obtain and supply evidence and assist in investigations as directed.

\_\_\_\_\_ Defendant agrees to requirements/conditions outlined in attached confidential informant consent forms.

\_\_\_\_\_ Defendant agrees to plead guilty to the aforementioned charges and understands that no promises of leniency or sentence consideration on the defendant's present case is being made by the Ontario Police Department or the District Attorney's Office.

\_\_\_\_\_ Use of the defendant as an informant for the Ontario Police Department is contingent upon the District Attorney's authorization after evaluating the stated assistance the defendant can provide.

\_\_\_\_\_ Defendant's performance regarding assistance and cooperation in criminal investigations will be documented by the Ontario Police Department and forwarded to the District Attorney's Office. The extent and nature of the defendant's assistance will be considered by the District Attorney's Office when making their recommendations to the court regarding final disposition of the defendant's case.

\_\_\_\_\_ Defendant agrees that the information documented below and/or on attached pages is an accurate account of the assistance that can be provided regarding criminal activity and involved person.

**I have read and understand the above:** \_\_\_\_\_  
Informant's Signature Date

\_\_\_\_\_  
Case Agent Date

\_\_\_\_\_  
Supervisor's Signature Date

\_\_\_\_\_  
District Attorney Date

## 904 - English PREA.JPG

# PRISON RAPE ELIMINATION ACT

## (PREA)

### Your Rights:

- \* You have the right to be safe at all times and not be sexually abused or harassed while in this facility.
- \* No one has the right to ask or pressure you for sex or sexual favors while in this facility.
- \* You do not have the right to ask or pressure anyone for sex or sexual favors while in the facility.
- \* Any sexual contact between arrestees and staff, volunteers or contractors, is against the law. (Consent is not a defense).
- \* You have the right to not be retaliated against for reporting these types of incidents.

### How to Report:

- \* You may report sexual abuse or harassment to anyone you feel comfortable with in person or you may report in writing.
- \* Anyone may report sexual abuse or harassment on your behalf of another person and you do not have to give your name if you report on behalf of someone else. All third-party reports (i.e. friends, family, etc.) will be accepted.
- \* Your report of sexual abuse and sexual harassment will be private and only shared with people who need to know to ensure your safety.

### After You Report:

- \* The facility will take necessary steps to ensure your safety from the abuser.
- \* Follow-up medical treatment will be provided as needed.
- \* The incident will be investigated.

**CI Informant Agreement form.pdf**





# CITY OF ONTARIO

## MEMORANDUM

### CONFIDENTIAL INFORMANT AGREEMENT

I, \_\_\_\_\_, am fully aware that the assistance I provide to  
PRINT NAME

to the Ontario Police Department, or any other law enforcement agency, is strictly for monetary gain. The assistance I may provide to the Ontario Police Department, or any other law enforcement agency, will not be considered in any current or future court proceedings, and no recommendations for leniency or sentencing will be given by the Ontario Police Department at any time during this period.

The Ontario Police Department reserves the right to cancel this agreement at any time.

---

Confidential Informant Signature

---

Date

**338 - AG-Rapid-Response-Team-Protocol-PDF.pdf**



State of California  
Office of the Attorney General  
Xavier Becerra  
Attorney General

# The Attorney General's Hate Crime Rapid Response Team Protocol for Deployment of Department of Justice Resources

## Statement of Purpose

The Attorney General is the chief law officer of the State. It is his duty to see that the laws of the State are uniformly and adequately enforced. (Cal Const., art. V, § 13.) Because crimes motivated by hate are not just attacks on individual innocent people, but attacks on the entire State and our communities, the California Department of Justice (Department) will direct the deployment of the full resources of the Department to aid and assist local and federal law enforcement authorities in the investigation of possible hate crimes, and in the identification, arrest, prosecution, and conviction of the perpetrators of those crimes.

In order to ensure that the perpetrators of hate crimes are quickly identified and apprehended Attorney General Xavier Becerra reaffirms this protocol for the **Attorney General's Hate Crime Rapid Response Team**. The team shall be composed of employees of the Department of Justice who perform functions within the Department that, if rapidly deployed, may assist local and federal law enforcement authorities in the identification, arrest, prosecution, and conviction of the perpetrators of hate crimes. The team shall be on call at all times.

The **Attorney General's Hate Crime Rapid Response Team** does not supplant the efforts of local and federal law enforcement authorities with respect to the investigation and prosecution of hate crimes. It is the Attorney General's intent that those agencies have access to, on a highest of priorities basis, the full resources of the Department of Justice at their disposal. He believes that through a strong cooperative and team effort, state, local, and federal law enforcement agencies will be in the best position to quickly and decisively respond to the commission of a hate crime in California.

## Members of the Rapid Response Team

The Rapid Response Team shall consist of the Chief Deputy to the Attorney General, the Chief of the Division of Legal Affairs, the Chief of the Division of Law Enforcement, the Assistant Chief of the Division of Law Enforcement, the Director of the Bureau of Investigation, the Chief of the Division

of Criminal Justice Information Services, the Chief Assistant Attorney General of the Division of Criminal Law, the Senior Assistant Attorney General of the Civil Rights Enforcement Section within the Division of Public Rights and the Manager of the Victims' Services Unit within the Division of Criminal Law.

### **Events Qualifying for Deployment of Attorney General's Rapid Response Team**

While all hate crimes should be investigated and solved, deployment of the Rapid Response Team shall be focused on those hate crimes that result in or involve any or all of the following:

- a) serious bodily injury or death, or appear calculated to cause such;
- b) acts of arson or attempted arson;
- c) use of explosives; and/or
- d) a mass casualty incident, or any action appeared calculated to trigger a mass casualty incident.

The occurrence of such a crime may qualify as a "triggering event."

### **Individuals Authorized to Declare Occurrence of Triggering Event**

The Attorney General or the Chief Deputy to the Attorney General shall have authority to declare that a triggering event has occurred.

### **Action to be Taken in Response to the Occurrence of a Triggering Event**

Once a declaration has been made, the Chief of the Division of Law Enforcement, the Assistant Chief of the Division of Law Enforcement, the Director of the Bureau of Investigation, the Chief Assistant Attorney General of the Division of Criminal Law, the Chief of the Division of Legal Affairs and the Chief of the Division of Criminal Justice Information Services, and the Senior Assistant Attorney General of the Civil Rights Enforcement Section within the Division of Public Rights shall immediately coordinate and without delay take the following actions:

- I. **The Division of Law Enforcement** – the Chief of the Division of Law Enforcement shall:
  - A. Contact the local police chief and/or county sheriff and the head of the local office of the Federal Bureau of Investigation that has responsibility for investigating hate crimes in the jurisdiction in which the triggering event has occurred, and shall advise them that the full resources of the Department of Justice will be made available to them on the highest of priorities basis.
  - B. Notify the Director of the Bureau of Investigation that a triggering event has occurred and direct the deployment of as many special agents and other relevant staff as necessary to the scene of the triggering event to assist local and federal authorities, to observe and evaluate the scene of the triggering event, and to prepare and deliver, within 24 hours of the occurrence of the triggering event, a report to the Attorney General on the facts and circumstances that are known as of that time. The special agent(s) and other Department staff shall also take whatever steps are necessary to assist local and federal

authorities in transporting any physical evidence to the Department of Justice laboratories for analysis if those authorities determine such action is appropriate. The Chief shall further command the Director to immediately, and not later than 24 hours following a triggering event, deliver to relevant local and federal law enforcement any and all intelligence information that might assist those authorities in identifying the perpetrator(s).

- C. Notify the Director of the Bureau of Forensic Services that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
  - D. Notify all Criminalist Laboratories that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
  - E. Notify the Commissioner of the California Highway Patrol that a triggering event has occurred and request that the Commissioner give the highest priority to any request for services that is related to the triggering event.
- II. **The Division of Criminal Justice Information Services** – The Chief of the Division of Criminal Justice Information Services shall:
- A. Notify the Director of the Bureau of Criminal Identification and Investigative Services that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
  - B. Notify the Director of the Bureau of Criminal Information and Analysis that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
- III. **Office of the Attorney General** – Upon the occurrence of a triggering event:
- A. The Chief of the Division of Legal Affairs shall contact the County District Attorney and the United States Attorney having jurisdiction for the locale in which the triggering event has occurred and offer them assistance of the Legal Division of the Office of Attorney General. This would include, but is not limited to, the services and assistance of the Division of Criminal Law, the Victims' Services Unit, and Civil Rights Enforcement Section in the Division of Public Rights. The Chief of the Division of Legal Affairs shall also direct the Chief Assistant Attorney General of the Division of Criminal Law and the Senior Assistant Attorney General of the Civil Rights Enforcement Section to each assign a Deputy Attorney General, who will be available to provide the Rapid Response Team with legal advice that may be needed in connection with the execution of its responsibilities.

- B. The Chief Assistant Attorney General for the Division of Criminal Law shall notify the Manager of the Victims' Services Unit that a triggering event has occurred. The Manager shall make immediate contact with the District Attorney's Victim Services Center of the county in which the triggering event occurred (or any appropriate representative from the District Attorney's Office, if the county does not have a Victim Services Center), and shall offer the full services of the Department's Victims' Services Unit. The Senior Assistant Attorney General of the Civil Rights Enforcement Section shall assist the Manager in responding to this directive.

### **Additional Support and Outreach**

When the Department learns of a scheduled or planned event that may result in the increased possibility of a triggering event, the Chief of the Division of Law Enforcement or his or her designee may contact the local police chief and/or county sheriff in the impacted area to notify them of the Department's ability to assist should any such triggering event occur.

**Suspected Child Abuse Report Form.pdf**

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