

# Carlsbad Police Department

Carlsbad PD Policy Manual

---

## CHIEFS PREFACE

### EXECUTIVE ORDER

The Carlsbad Police Department is an organization that is focused on providing the highest level of police service. The department's effectiveness in providing service to the community depends on sound administration, effective leadership, highly trained personnel, community support, and most importantly the trust of the community we serve. This manual contains policies which have been adopted for the purpose of providing a basis for which the members of the Carlsbad Police Department can make appropriate decisions during the course of their duties and assignments.

This manual is also intended to provide a basis by which the community can trust the Carlsbad Police Department to serve as guardians for the community's safety.

Police work can be dynamic in nature, and due to the variety of circumstances and situations encountered by members of the department, it is impossible to formulate an exhaustive manual governing the actions and conduct of all department members. Members are required to exercise good judgment in determining their course of conduct in the general discharge of their police responsibilities.

Members of the department must approach their work from a service-minded perspective whereby department personnel embrace the 'Guardian' concept of law enforcement. It is my belief that this mindset is essential in building public trust and legitimacy. Furthermore, both when dealing internally within the department, and with the community we serve, procedural justice and fundamental fairness must be distinct underpinnings of all department actions. When determining courses of action, members must consider the perspective of the community receiving our service and ensure that unintended harmful results of our actions are considered and mitigated or avoided when possible. Members of the department should consider the potential damage to public trust when implementing crime fighting strategies or responses to community concerns.

In conclusion, it is my sincere desire that this policy manual assists members of the Carlsbad Police Department in providing professional law enforcement services to the community we serve which enhances community trust and provides a foundation for a strong relationship between the police department and community.

Mickey Williams

Chief of Police

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *CHIEFS PREFACE*

---

# Carlsbad Police Department

Carlsbad PD Policy Manual

---

## **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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

---

## **MISSION VALUES AND VISION STATEMENT**

**MISSION STATEMENT** *To protect and serve the community with integrity, professionalism, and valor.* **VALUES STATEMENT**

Leading with:

**Commitment:** dedication to duty and responsibility

**Honesty:** Sincere and truthful in our endeavors

**Respect:** Treat everyone with dignity

**Accountability:** Responsible and transparent in our actions and words.

**Compassion:** concern and sympathy for others

Ensures our organization success.

## **VISION STATEMENT**

***Embrace the future and honor the past in pursuit of a safer tomorrow.***

# Carlsbad Police Department

Carlsbad PD Policy Manual

---

## **PREFACE TITLE**

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Table of Contents

<b>CHIEFS PREFACE . . . . .</b>	<b>1</b>
<b>Law Enforcement Code of Ethics . . . . .</b>	<b>3</b>
<b>MISSION VALUES AND VISION STATEMENT . . . . .</b>	<b>4</b>
<b>Preface Title . . . . .</b>	<b>5</b>
<b>Chapter 1 - Law Enforcement Role and Authority . . . . .</b>	<b>12</b>
100 - Law Enforcement Authority . . . . .	13
102 - Chief Executive Officer . . . . .	15
104 - Oath of Office . . . . .	16
106 - Policy Manual . . . . .	17
107 - Law Enforcement Code of Ethics . . . . .	23
<b>Chapter 2 - Organization and Administration . . . . .</b>	<b>24</b>
200 - Organizational Structure and Responsibility . . . . .	25
204 - Special Orders . . . . .	27
206 - Emergency Management Plan . . . . .	28
208 - Training . . . . .	29
212 - Electronic Mail . . . . .	34
214 - Administrative Communications . . . . .	36
216 - Staffing Levels . . . . .	37
217 - Supplemental Duty Assignments and Special Detail Sign Up Lists . . . . .	38
218 - License to Carry a Firearm . . . . .	39
220 - Retiree Concealed Firearms . . . . .	40
221 - Safety Center Security Guidelines . . . . .	43
<b>Chapter 3 - General Operations . . . . .</b>	<b>47</b>
300 - Use of Force . . . . .	48
301 - Countywide Crisis Management Philosophy; Considerations for De-Escalation . . . . .	58
302 - Deadly Force Review . . . . .	60
303 - De-escalation . . . . .	63
306 - Handcuffing and Restraints . . . . .	71
308 - Control Devices and Techniques . . . . .	76
309 - Conducted Energy Device . . . . .	82
310 - Officer-Involved Shootings and Deaths . . . . .	88
312 - Firearms . . . . .	100
313 - Firearms Qualification and Remediation Policy . . . . .	112
314 - Vehicle Pursuit Policy . . . . .	114
316 - Officer Response to Calls . . . . .	130
318 - Canines . . . . .	133
320 - Domestic Violence . . . . .	143
322 - Search and Seizure . . . . .	163

# Carlsbad Police Department

## Carlsbad PD Policy Manual

---

323 - Confinement of Adult Prisoners . . . . .	166
324 - Temporary Custody of Juveniles . . . . .	167
326 - Senior and Disability Victimization . . . . .	178
328 - Discriminatory Harassment . . . . .	189
330 - Child Abuse . . . . .	192
332 - Missing Persons . . . . .	204
334 - Public Alerts . . . . .	210
336 - Victim and Witness Assistance . . . . .	216
338 - Hate Crimes . . . . .	219
340 - Standards of Conduct . . . . .	229
342 - Information Technology Use . . . . .	239
343 - Cyber-Incident Response . . . . .	242
344 - Report Preparation . . . . .	255
345 - Unmanned Aerial System (UAS ) Operations . . . . .	260
346 - News Media Relations . . . . .	264
347 - Social Media Wanted Bulletin Policy . . . . .	268
348 - Court Appearance And Subpoenas . . . . .	270
350 - Reserve Officers . . . . .	275
351 - RANGERS . . . . .	280
352 - Outside Agency Assistance . . . . .	283
353 - Inter-Agency Notification . . . . .	285
355 - Departmental Operational Conditions . . . . .	288
356 - Registered Offender Information . . . . .	291
358 - Incident Notification . . . . .	294
360 - Death Investigation . . . . .	296
362 - Identity Theft . . . . .	299
364 - Private Persons Arrests . . . . .	300
368 - Limited English Proficiency Services . . . . .	302
370 - Communications with Persons with Disabilities . . . . .	309
372 - Mandatory Employer Notification . . . . .	317
374 - DNA Samples . . . . .	319
376 - Chaplain Program . . . . .	321
377 - Special Event Guidelines . . . . .	325
378 - Public Safety Video Surveillance System . . . . .	327
379 - Prescription Drug Drop Box . . . . .	330
380 - Radio Call Numbers . . . . .	332
381 - Trauma Intervention Program . . . . .	335
382 - Child and Dependent Adult Safety . . . . .	338
383 - Official Action . . . . .	342
384 - Service Animals . . . . .	343
385 - Radio Emergency Activation Protocol . . . . .	345
386 - Volunteer Program . . . . .	346
388 - Off-Duty Law Enforcement Actions . . . . .	351
390 - Illness and Injury Protection Program . . . . .	353
391 - Squad Inspection Reports . . . . .	354
393 - Police Funeral Response . . . . .	355
394 - Department Use of Social Media . . . . .	358

# Carlsbad Police Department

## Carlsbad PD Policy Manual

---

395 - Gun Violence Restraining Orders . . . . .	361
<b>Chapter 4 - Patrol Operations . . . . .</b>	<b>367</b>
400 - Patrol Function . . . . .	368
402 - Bias-Based Policing-RIPA Compliance . . . . .	370
404 - Briefing Training . . . . .	378
406 - Crime and Disaster Scene Integrity . . . . .	379
408 - Crisis Response Unit . . . . .	381
410 - Ride-Along Policy . . . . .	393
412 - Hazardous Material Response . . . . .	396
414 - Hostage and Barricade Incidents . . . . .	398
416 - Response to Bomb Calls . . . . .	403
418 - Mental Illness Commitments . . . . .	406
420 - Cite and Release Policy . . . . .	409
422 - Arrest or Detention of Foreign Nationals . . . . .	413
424 - Rapid Response and Deployment . . . . .	421
428 - Immigration Violations . . . . .	424
430 - Emergency Utility Service . . . . .	430
434 - Aircraft Accidents . . . . .	431
436 - Field Training Officer Program . . . . .	435
438 - Obtaining Helicopter Assistance . . . . .	439
440 - Contacts and Temporary Detentions . . . . .	440
442 - Criminal Organizations . . . . .	444
444 - Watch Commanders . . . . .	448
448 - Mobile Computer Terminal Use . . . . .	449
449 - Body Worn Camera . . . . .	451
450 - Portable Audio/Video Recorders . . . . .	461
451 - Second Call Ordinance Procedure . . . . .	465
452 - Medical Marijuana . . . . .	468
453 - Mall Detail - Plaza Camino Real Supplemental Patrol . . . . .	473
454 - Bicycle Patrol Unit . . . . .	475
455 - Off Road Law Enforcement Team - ORLE . . . . .	479
457 - Lagoon Patrol . . . . .	480
458 - Foot Pursuit Policy . . . . .	482
459 - Response to Mobile Incidents . . . . .	487
462 - Automated License Plate Readers (ALPRs) . . . . .	489
463 - EMERGENCY HOTEL VOUCHER PILOT PROGRAM . . . . .	492
464 - Homeless Persons . . . . .	495
465 - Tarasoff Notifications . . . . .	498
466 - Homeless Engagement Leading to Progress (HELP) Application . . . . .	500
467 - Arrest of Dignitary or Law Enforcement Employee . . . . .	504
468 - Medical Aid and Response . . . . .	505
469 - Crisis Intervention Incidents . . . . .	511
470 - Public Recording of Law Enforcement Activity . . . . .	516
471 - First Amendment Assemblies . . . . .	519
<b>Chapter 5 - Traffic Operations . . . . .</b>	<b>527</b>



# Carlsbad Police Department

## Carlsbad PD Policy Manual

---

500 - Traffic Function and Responsibility . . . . .	528
502 - Traffic Collision Reporting . . . . .	531
503 - Sky Watch Observation Tower Operations Policy . . . . .	533
510 - Vehicle Towing and Release . . . . .	537
512 - Vehicle Impound Hearings . . . . .	542
514 - Impaired Driving . . . . .	544
516 - Traffic Citations . . . . .	551
520 - Disabled Vehicles . . . . .	554
524 - 72-Hour Parking Violations . . . . .	555
527 - Collision Review Board . . . . .	557
528 - Traffic Radar/Laser . . . . .	559
529 - DUI Billing Procedures . . . . .	560
530 - Preliminary Alcohol Screening Devices . . . . .	563
531 - Police Motorcycle Competitions . . . . .	565
<b>Chapter 6 - Investigation Operations . . . . .</b>	<b>566</b>
600 - Investigation and Prosecution . . . . .	567
602 - Sexual Assault Investigations . . . . .	568
606 - Asset Forfeiture . . . . .	575
607 - Vice Narcotics Investigative Unit - Buy Fund . . . . .	578
608 - Informants . . . . .	580
609 - Call-Out Policy . . . . .	584
610 - Eyewitness Identification . . . . .	586
611 - Telephone Subscriber Investigations . . . . .	590
612 - Vice/Narcotic Intelligence Information . . . . .	591
613 - Brady Material Disclosure . . . . .	593
614 - Stolen Property - Collection and Disposal . . . . .	595
<b>Chapter 7 - Equipment . . . . .</b>	<b>600</b>
700 - Department Owned and Personal Property . . . . .	601
702 - Personal Communication Devices . . . . .	603
704 - Vehicle Maintenance . . . . .	608
706 - Vehicle Use . . . . .	610
707 - Personal Protective Equipment . . . . .	615
708 - Military Equipment . . . . .	620
<b>Chapter 8 - Support Services . . . . .</b>	<b>624</b>
800 - Crime Analysis . . . . .	625
802 - The Communications Center . . . . .	626
804 - Property and Evidence . . . . .	633
805 - Records Division . . . . .	646
807 - Restoration of Firearm Serial Numbers . . . . .	648
809 - Records Maintenance and Release . . . . .	650
810 - Retention/Custody of Officer Notes, Documents and Other Evidence . . . . .	659
811 - Protected Information . . . . .	661
815 - Fee Schedule for Department Service . . . . .	666
818 - Expressive Activity . . . . .	667

# Carlsbad Police Department

Carlsbad PD Policy Manual

---

<b>Chapter 9 - Custody . . . . .</b>	<b>671</b>
900 - Temporary Custody of Adults . . . . .	672
902 - Custodial Searches . . . . .	696
903 - Transportation of Prisoners . . . . .	700
904 - Prison Rape Elimination . . . . .	701
<b>Chapter 10 - Personnel . . . . .</b>	<b>711</b>
1000 - Recruitment and Selection . . . . .	712
1004 - Special Assignments and Promotions . . . . .	718
1005 - Probationary Officers . . . . .	721
1010 - Reporting of Employee Convictions . . . . .	722
1012 - Drug- and Alcohol-Free Workplace . . . . .	724
1014 - Sick Leave . . . . .	727
1016 - Communicable Diseases . . . . .	729
1017 - Aerosol Transmissible Diseases . . . . .	738
1018 - Smoking Policy . . . . .	752
1020 - Personnel Complaints . . . . .	753
1021 - Law Suits Against Department Personnel . . . . .	762
1022 - Seat Belts . . . . .	763
1024 - Body Armor . . . . .	765
1026 - Personnel Records . . . . .	767
1028 - Request for Change of Assignment . . . . .	775
1029 - Funeral Protocol . . . . .	776
1030 - Commendations and Awards . . . . .	786
1032 - Fitness for Duty . . . . .	788
1034 - Meal Periods and Breaks . . . . .	792
1035 - Lactation Break Policy . . . . .	793
1036 - Payroll Records . . . . .	795
1040 - Outside Employment . . . . .	797
1042 - Occupational Disease and Work-Related Injury Reporting . . . . .	801
1043 - Personal Appearance Standards . . . . .	804
1045 - Uniform Regulations . . . . .	807
1046 - Patriotic Courtesy . . . . .	808
1048 - Personnel Evaluations . . . . .	809
1049 - Nepotism and Conflicting Relationships . . . . .	810
1050 - Change of Address/Telephone Notification . . . . .	812
1051 - Department Badges and Identification Cards . . . . .	813
1052 - Peer Support Team . . . . .	816
1053 - Temporary Modified-Duty Assignments . . . . .	821
1054 - Competition Policy . . . . .	825
1056 - Leave Requests . . . . .	826
1057 - Employee Speech, Expression and Social Networking . . . . .	827
1058 - Illness and Injury Prevention . . . . .	832
1059 - Anti-Retaliation . . . . .	837
1060 - Line-of-Duty Deaths . . . . .	841
<b>Attachments . . . . .</b>	<b>852</b>

# Carlsbad Police Department

Carlsbad PD Policy Manual

---

Hate Crime Checklist.pdf . . . . .	853
Statutes and Legal Requirements.pdf . . . . .	854
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf . . . . .	855

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

---

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Carlsbad 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 CARLSBAD POLICE DEPARTMENT

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

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.

When an officer makes an out-of-county arrest pursuant to a warrant, the officer shall inform the arrestee of the right to be taken before a magistrate in that county (Penal Code § 821; Penal Code § 822).

#### 100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CARLSBAD POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Carlsbad 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Law Enforcement Authority*

---

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

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

#### **100.3 POLICY**

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

While this department recognizes the statutory 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. Accordingly, officers are authorized to use verbal and written warnings to resolve minor traffic and criminal violations when appropriate. This department does not tolerate the abuse of law enforcement authority.

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

Peace officer powers may be extended to other states:

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

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

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

## Chief Executive Officer

### 102.1 PURPOSE AND SCOPE

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

#### 102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

### 104.4 MAINTENANCE OF RECORDS

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



# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Carlsbad 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 Carlsbad 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 Carlsbad 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 Carlsbad 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 Carlsbad Police Department reserves the right to revise any policy content, in whole or in part.

### 106.2.2 STAFF

Staff shall consist of the following:

- Chief of Police

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Policy Manual*

---

- Assistant Chief of Police
- The Captain from each Bureau
- Traffic Lieutenant
- Investigations Lieutenants
- Watch Commanders
- Communications Manager
- Sr. Management Analyst
- Professional Standards and Services Lieutenant
- Records Manager
- Community Relations Manager

The staff shall review all recommendations regarding proposed changes to the manual at management 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 Division 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 Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders 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:

- Special Orders may be abbreviated as "SO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

### 106.3.2 DEFINITIONS

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

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

**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Policy Manual*

---

**City** - The City of Carlsbad.

**Department /CPD** - The Carlsbad Police Department.

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

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

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

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

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

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

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

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

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

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

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

**Rank** - The job classification title held by an officer.

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

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

**USC** - United States Code

### 106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Assistant Chief of Police
- Captains
- Professional Standards and Services Lieutenant
- Administrative Sergeant
- Personnel & Training Division
- Watch Commander

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Policy Manual*

---

- Field Sergeant's Office
- Detective Division
- Officer's Report Room
- Temporary Holding Facility (15 CCR § 1029)

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.

### **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.

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

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Carlsbad.

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

**Department/CPD** - The Carlsbad Police Department.

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

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

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

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

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

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

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

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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Policy Manual*

---

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

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

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

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

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

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

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

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

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

**USC** - United States Code.

### **106.5 ISSUING THE POLICY MANUAL**

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

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

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

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

### **106.7 REVISIONS TO POLICIES**

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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Policy Manual*

---

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

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

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

---

## Law Enforcement Code of Ethics

### 107.1 PURPOSE AND SCOPE

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

### 107.2 POLICY

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

### 107.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

#### 107.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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



## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Carlsbad Police Department. There are three Bureaus in the Police Department as follows:

- Field Operations
- Support
- Professional Standards and Services

#### 200.2.1 ADMINISTRATION

The Administration is commanded by the Chief who provides general management direction and control for the Administration of the Police Department. The Chief is supported by the Assistant Chief.

#### 200.2.2 FIELD OPERATIONS

Field Operations is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Bureau. The Field Operations Bureau consists of Uniformed Patrol Division and Traffic Division.

#### 200.2.3 SUPPORT

Support is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Bureau. The Support Bureau consists of the Investigations Division, Communications Division and Records Division.

#### 200.2.4 PROFESSIONAL STANDARDS AND SERVICES

Professional Standards and Services is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for that Bureau. The Professional Standards and Services Bureau consists of Internal Affairs, Training, Background Investigations, Recruitment, Volunteers and oversees the Public Information Manager.

### 200.3 COMMAND PROTOCOL

#### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During absences of, the Chief of Police, The Assistant Chief of Police will 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:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Organizational Structure and Responsibility*

---

- (a) Assistant Chief of Police
- (b) Senior Ranking Captain
- (c) Second Senior Ranking Captain
- (d) Watch Commander

#### 200.3.2 UNITY OF COMMAND

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

#### 200.3.3 ORDERS

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

## Special Orders

### 204.1 PURPOSE AND SCOPE

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

#### 204.1.1 PROTOCOL

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

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

Any Special Orders 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 for the year 2008.

### 204.2 RESPONSIBILITIES

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

#### 204.2.1 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

## 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**

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

#### **206.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Management Plan is activated, all employees of the Carlsbad 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 in Administration and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

### **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

### 208.1 PURPOSE AND SCOPE

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

### 208.2 PHILOSOPHY

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

### 208.3 OBJECTIVES

The objectives of the Training Program are to:

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

### 208.4 TRAINING PLAN

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

- State and Federal Mandated Training
- Perishable Skills Training
- Continued Professional Training
- Annual Conferences
- Departmental Training

Employees returning to work from extended absence (in excess of 120 days) shall, meet with the training coordinator to ensure they receive and successfully complete all the required training prior to returning to full duty.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Training*

---

Employees returning to patrol after serving in a non-patrol based special assignment will be given the option of riding with another patrol officer on their assigned shift. The purpose of this is to facilitate their successful reorientation into patrol. These employees are not required to participate in reorientation training. The duration of the reorientation should be until the returning employee and the patrol supervisor feel that the employee is capable of working solo. Employees electing to participate in this process will be scheduled by the patrol scheduling lieutenant in coordination with the Field Training Coordinator.

Employees who are returning from long-term administrative leave, separation, long term injuries, Military Leave or other similar reasons for leave (in excess of 120 days) where the employee did not have access to email, Lexipol or other forms of policy and law updates are required to complete reorientation training. For these employees, the Professional Standards and Services Bureau will ensure information technologies access, Lexipol acceptance and all required equipment is issued to the employee prior to going to patrol. The Training Manager will also ensure that all required and mandated training is completed prior to being deployed in patrol.

The patrol scheduling lieutenant in coordination with the Field Training Coordinator will schedule the returning employee with a Field Training Officer on their assigned shift. The purpose of this is to facilitate their successful reorientation into patrol. The duration of the reorientation should be until the returning employee and the patrol supervisor feel that the employee is capable of working solo.

#### **208.5 FAILURE TO ATTEND OR COMPLETE DEPARTMENT TRAINING**

Personnel who fail to attend or successfully complete required Department training without being excused by appropriate authority may be subject to discipline. The Chief of Police, his/her designee, or the officer in charge of a particular training unit may excuse an employee from the required training upon receipt of a memorandum from the employee describing the particular circumstance that makes the request necessary.

The officer-in-charge of a training unit or his/her designee will make notification of required training to Department personnel by posting a sign-up sheet in the Patrol briefing room and by Department-wide email. Employees are responsible for signing their own name to the posted sign-up list and for bringing all required equipment prescribed by the training unit to training. Employees who fail to bring the required equipment or arrive late may be turned away from training resulting in a failure. Employees may not sign-up other employees for training and shall only sign up for one course offering at a time.

Employees of the Department on previously scheduled leave will normally be excused from training; however, the employee is required to provide a written memorandum via their Chain-of-Command to the officer in charge of the training unit in advance. The employee shall then attend the next available training session upon returning to duty.

In the event the employee fails to attend a Department required make up training session the officer in charge of the training unit shall forward a written notification to the employee's Division

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Training*

---

Commander, lieutenant and sergeant(s) advising them of the employee's failure to attend training. Failure to attend training may be noted in the employee's written performance evaluation if warranted. A subsequent failure to attend training within the following year may result in discipline.

#### **208.6 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. First choice vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation.
  - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date.

#### **208.7 PROFICIENCY QUALIFICATION AND REMEDIATION**

- (a) All sworn personnel SHALL demonstrate proficiency in all areas of training.
- (b) All personnel authorized to carry firearms shall be required to successfully pass all qualification shoots with each authorized firearm as designated by the department's range staff.
- (c) Personnel assigned to specialized units such as N.T.F., G.T.F., R.A.T.T. etc. may be required to qualify within that unit. However, they are not exempt from required departmental training or firearms qualifications.
- (d) Personnel shall be required to qualify with shotguns and (for those authorized) less lethal weapons and carbines at least once every six months.

#### **208.8 FAILURE TO QUALIFY**

- (a) Personnel who fail to attend a required training or without being excused by an appropriate authority may be subject to formal discipline.
- (b) The Chief of Police, division commander, and/or training staff, from the particular training venue, may excuse a member of the department from departmental training upon receipt of a

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Training*

---

written request from the member describing the particular circumstances which make the request necessary.

(c) Members of the department on previously scheduled/approved vacation will normally be excused from a training cycle without a written request. Such members shall notify the training staff of their absence in advance. The member shall then attend the next available training cycle upon their return to duty.

#### **208.9 FIREARMS**

(a) The course of fire shall be determined by the range master.

1. All firearm qualifications shall be graded numerically.

2. The overall minimum passing score shall be 70%.

A. In the event that the employee fails to qualify with a required firearm, the range master shall forward a written memorandum to the employee's division commander, lieutenant, and sergeant(s) advising them of the officer's failure to qualify. This failure to qualify shall be noted in the employee's written performance evaluation. Subsequent failures to qualify within the following year will result in progressive discipline as determined appropriate by command staff.

3. Officers failing to qualify shall be scheduled to attend a four hour remedial training session as soon as practicable. This scheduling shall be at the direction of the range master.

A. The employee shall be given an opportunity to qualify upon completion of the remedial training session. The qualification course of fire and scoring method shall be the same as that which the employee previously failed.

B. In the event that the employee fails the remediation shoot, the range master shall forward a written memorandum to the employee's division commander, lieutenant, and sergeant(s), stating that the remedial training was unsuccessful and that the officer failed a second attempt at qualifying. A copy of this letter shall be placed in the employee's training file.

C. Personnel who fail the remediation attempt shall immediately removed from field duty.

D. The employee will not be authorized to carry any firearm, on or off duty except for the purpose of additional firearms training/practice. This shall not supersede the rights afforded to any citizen as provided by Californian law.

E. Following a failure of remedial qualification, the employee shall be scheduled for additional firearms training at the direction of the range master.

1) The employee will then be required to complete the original qualification shoot. If the officer succeeds, the officer will be returned to their regular assignment.

2) In the event that the officer fails this third attempt, the officer will be subject to discipline as determined appropriate by the Chief of Police.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Training*

---

#### **208.10 LEXIPOL DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Carlsbad Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the PSSB Lieutenant.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the PSSB Lieutenant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

All sworn personnel are required to participate in the DTB program and should complete each month's DTB (approximately 30) within the assigned month, or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty.

Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor. Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

#### **208.11 TRAINING COORDINATOR**

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

#### **208.12 TRAINING RESTRICTION**

No officer may train other officers for a period of at least three years from the date that an abuse of force complaint against the officer is sustained. (Government Code § 7286(b)). It is the responsibility of the Professional Standards Lieutenant to ensure that officers with a sustained complaint of abuse of force are removed from all applicable training roles or cadres for the specified time period.

---

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (e-mail) by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the e-mail system must comply with City of Carlsbad Administrative Order #53.

### 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 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of three months will be deleted at regular intervals from the server computer.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Electronic Mail*

---

Because there are many important items of information distributed daily via electronic mail, and to remain informed and up to date on relevant decisions and Department activities that affect all members, all Department personnel are required to check their electronic mail in boxes at least once every work day.

## **Administrative Communications**

### **214.1 PURPOSE AND SCOPE**

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

### **214.2 DEPARTMENT E-MAIL**

Department E-mail 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, external correspondence should be on Department letterhead. Personnel should use Department letterhead only for official business.

### **214.4 SURVEYS**

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

## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

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

### **216.2 MINIMUM STAFFING LEVELS**

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

#### **216.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate training and other unforeseen circumstances, a Corporal, may be used as field supervisor in place of a field sergeant.

With prior authorization from the Watch Lieutenant, a Sergeant or Corporal may act as the Watch Commander for a limited period of time.

# Supplemental Duty Assignments and Special Detail Sign Up Lists

## 217.1 SIGN UP LISTS

All department staffing which requires a posted 'sign-up' list will be filled by qualified department personnel on a first come, first serve basis. Personnel will only sign their own name to all department staffing lists. This process is intended to facilitate access to necessary department staffing in an equitable manner and ensure access to supplemental duty assignments by all personnel.

## 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.

### 218.2 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)).

### 218.3 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 Carlsbad (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

## 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 LEOSA

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

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

### 220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Retiree Concealed Firearms*

---

- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

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

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

#### **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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Retiree Concealed Firearms*

---

- (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).
- (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.

---

## Safety Center Security Guidelines

### 221.1 PURPOSE AND SCOPE

To establish security guidelines for the Safety Center.

### 221.2 GENERAL OBJECTIVES

There are several security features that have been designed into the Safety Center to provide secure areas for equipment, employees and property. The general objectives of a security plan and system within our facility will be to:

- (a) Control the movement of persons and property within.
- (b) Establish control over general operation areas.
- (c) Establish and maintain temporary holding facility security.
- (d) Protect confidential records and information.
- (e) Protect against theft and/or damage to material and equipment.
- (f) Prevent inadvertent or intentional damage to the facility.

Establishing security in the Safety Center is also predicated upon mandated rules of conduct and codes. The California Department of Justice requires a system of security in order to protect the confidentiality of certain types of records. This applies to both hard copy documents that are on file, as well as automated records, which are accessed by computer terminals. Therefore, the security system has been designed to accommodate mandated requirements both internally and externally, while at the same time balancing the right of access to both the public and the press.

### 221.3 POLICY

#### 221.3.1 ALL EMPLOYEES

It shall be the responsibility of each employee to protect and secure their respective work areas, and to aid in the fulfillment of security objectives as indicated above. For purposes of this directive contract employees of the police department, department volunteers, non-police City employees and outside agency personnel assigned to work stations inside the Safety Center shall be classified as employees.

All employees are expected to adhere to all building security guidelines and to challenge those who are not properly identified as employees, guests, visitors or contractors. Violations of security guidelines must be addressed immediately and brought to the attention of the employee's supervisor or the on-duty Watch Commander.

Building security shall be promoted by adherence to the following measures:



# Carlsbad Police Department

Carlsbad PD Policy Manual

## Safety Center Security Guidelines

---

1. A department approved uniform
  2. A department issued badge displayed on the outer clothing
  3. A department issued identification card on a clip or lanyard
  4. [REDACTED]
  5. [REDACTED]
- (b) Money and items of substantial value shall be secured when left unattended.
  - (c) Files and records containing confidential information shall be locked when unattended.
  - (d) Computer terminals with access to confidential information shall be secured against unauthorized access when unattended.
  - (e) Firearms not carried on the person shall be kept under lock.
  - (f) Personal equipment lockers shall be locked at all times when not in use.
  - (g) Authorization to enter any area not normally open to the requesting employee will be the responsibility of the watch commander or higher authority.

### 221.3.2 WATCH COMMANDER

The on-duty watch commander shall have responsibility for general building security during their tour of duty. In addition to the responsibilities outlined above, the watch commander shall be responsible for:

- (a) Security of external access doors to Safety and Conference Centers during non-business hours.
- (b) Secured or restricted areas of the facility.
- (c) Visitors.
- (d) Contractors.

### 221.3.3 OCCUPANT CLASSIFICATION

Persons in the Safety Center are subject to certain restrictions depending on their classification. The following identifies the classification and corresponding restrictions. If there is any question as to the identity of any individual seeking admittance to the facility, that person shall be required to furnish a driver's license or other suitable identification before being admitted.

- (a) Classification:
  1. Employees
    - (a) Police Department Personnel
    - (b) Fire Department Personnel
    - (c) Department Volunteers

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Safety Center Security Guidelines*

---

- (d) Other City Employees assigned to work in the Safety Center on a regular basis
  - (e) Outside public agency Personnel who are assigned to work in the Safety Center on a regular basis.
  - (f) Full-time and Part-time Contract Employees assigned to work in the Safety Center on a regular basis.
  - (g) Restrictions:
    - 1. Authorized employees may enter controlled access areas.
    - 2. Employees and guests may enter any non-controlled area.
    - 3. Guests escorted by authorized employee may enter controlled access areas
2. Guests
- (a) City of Carlsbad council members
  - (b) City of Carlsbad managers
  - (c) Escorted person(s)
  - (d) Persons wearing the uniform of:
    - (a) The City of Carlsbad.
    - (b) A law enforcement agency.
    - (c) A public utility.
    - (d) A contract service company.
  - (e) Persons wearing the identification card of:
    - (a) The City of Carlsbad.
    - (b) A law enforcement agency.
    - (c) A public utility.
    - (d) A contract service company.
  - (f) Restrictions:
    - (a) Employees and guests may enter any non-controlled area.
    - (b) Guests escorted by authorized employee may enter controlled access areas.
    - (c) Escorted person(s) may enter any area accessible to employee escort.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Safety Center Security Guidelines*

---

3. Visitors:
  - (a) Individuals with temporary business at the Safety Center.
  - (b) Individuals not classified as an employee, guest or contractor.
  - (c) Restrictions:
    1. Visitors must check in at the reception counter. They may be required to produce valid government-issued identification and sign the visitor log.
    2. Visitors must wear a visitor's pass. The visitor's pass may be obtained at the reception counter in the main lobby area during normal hours of operation, or as otherwise directed or authorized by the Support Operations Division Commander.
    3. Visitors have access to the location of their business only and must return to the main lobby when finished to check out.
4. Contractors:
  - (a) Individual(s) or company under contract to perform specific work within the Safety Center.
  - (b) Restrictions:
    - (a) Because of the extensive access to the Safety Center that must be afforded to contractors in order to complete their work, and the department's inability to continuously supervise a contractor and/or employee(s), the employment status and identity of the contractor and/or employee(s) shall be verified before entry is permitted.
    - (b) All contractors have been notified that any person(s) working in the Safety Center will be subject to the following conditions:
      - (a) Each employee must provide valid government-issued identification.
      - (b) Each employee will be subject to a records check.
      - (c) Each employee must sign the visitor log and wear a dated visitor badge.
      - (d) Employees may be prohibited from entering certain areas.
5. The Chief of Police or his/her designee has the authority to terminate access to any person suspected of compromising facility security.

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

### 300.2 POLICY

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

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



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Use of Force*

---

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

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

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

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

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

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

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

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

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

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

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

### **300.3 USE OF FORCE**

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

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

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Use of Force*

---

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

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

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

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

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

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

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

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Use of Force*

---

- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) The officer's and person's surroundings and potential risks to bystanders.
- (t) 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 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Use of Force*

---

restricted. Officers are encouraged to use techniques and methods taught by the Carlsbad Police Department for this specific purpose.

#### 300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

#### 300.3.6 ADDITIONAL RESTRICTIONS

Officers are not authorized to use a carotid restraint, choke hold or any technique or transportation method which involve a substantial risk of positional asphyxia.

A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.

A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

Positional asphyxia means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia. (Gov. Code, § 7286.5)

## *Use of Force*

---

### **300.4 DEADLY FORCE APPLICATIONS**

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

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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

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

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

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

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

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

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Use of Force*

---

#### 300.4.2 DISPLAYING OF FIREARMS

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

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

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

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

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

##### 300.5.1 NOTIFICATION TO SUPERVISORS

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

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

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

## *Use of Force*

---

### **300.6 MEDICAL CONSIDERATION**

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is notified of an incident involving any application of force defined in policy section 300.5.1 (a)-(i), the supervisor shall respond to the incident. The supervisor is expected to:

- a. Obtain the basic facts from the involved officers. Absent suspected misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- b. Ensure that any injured parties are examined and treated.
- c. When possible, separately obtain a recorded interview with the subject(s) upon whom force was applied. If this interview is conducted with a person who is in police custody, a Miranda Admonishment must be given and a waiver of rights obtained prior to any interview.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Use of Force*

---

If the suspect(s) invokes either a right to silence or for representation, no interview shall be conducted.

d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

e. Identify any witnesses and insure that all witnesses are interviewed. These interviews should be audio recorded if possible.

f. Insure that all reports are reviewed and approved by a supervisor.

g. Determine if there is any indication that the subject may pursue civil litigation, if appropriate the supervisor should complete and route a notification of a potential claim through their chain of command.

h. Evaluate the circumstances surrounding the incident and complete a Supervisor's Complaint Summary report and forward it to the Professional Standards and Services Division Lieutenant through the supervisor's chain of command if there is a question of policy non-compliance or if for any reason further administrative investigation may be appropriate.

i. Prepare a Supervisor's Use of Force investigation report. This report shall be attached to the associated crime and/or arrest reports documenting the incident. This report shall be reviewed and approved by another supervisor.

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

The Watch Commander shall ensure that a supervisor responds to all use of force incidents by any personnel within his/her command to ensure compliance with this policy and to address and training issues.

#### **300.8 USE OF FORCE COMPLAINTS**

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

#### **300.9 POLICY REVIEW**

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

#### **300.10 POLICY AVAILABILITY**

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



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Use of Force*

---

### **300.11 PUBLIC RECORDS REQUESTS**

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

# Countywide Crisis Management Philosophy; Considerations for De-Escalation

## 301.1 PURPOSE AND SCOPE

Law enforcement is guided by the overarching principle of reverence for human life in all investigative, enforcement, and other interactions between law enforcement and members of the community. San Diego County Law Enforcement Agencies are committed to providing peace officers with the training, equipment and resources necessary to encourage peaceful resolutions.

## 301.2 SAN DIEGO COUNTYWIDE PHILOSOPHY

Every Situation law enforcement responds to is unique. When law enforcement is called upon to respond to crisis or criminal acts, they will, if reasonable under the circumstances, use tactics and techniques to persuade the individual to voluntarily comply or mitigate the need to use increased physical tactics to resolve the situation safely. Some situations require an immediate response, while other situations may allow peace officers the opportunity to communicate with the individual, refine tactical plans and, if necessary, call of additional resources. When reasonable opportunity exists, peace officers should consider the concepts of Pre-Engagement, De-Escalation, and disengagement consistent with the definitions provided in this document.

## 301.3 DEFINITIONS

**Pre-Engagement Considerations:** Pre-Engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component to the decision-making process.

**De-Escalation:** De-escalation is the use of strategies and/or techniques to gain voluntary compliance from an individual in order to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

**Disengagement (Tactical Withdraw):** Disengagement is a tactic designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others, or resistant offenders who may later be apprehended under safer conditions.

## 301.4 DISENGAGEMENT

Anytime peace officers intend to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident. Peace officers should attempt to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, and they are aware that officers will no longer be present to protect the safety of the involved persons.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Countywide Crisis Management Philosophy; Considerations for De-Escalation*

---

### 301.4.1 SPECIAL RELATIONSHIP

Under the law, peace officers have no duty to come to the aid of another unless the officers have created a peril or a special relationship exists. However, individual department policies may require an officer to take action under specific circumstances. A special relationship between law enforcement and a person may be created one of two ways. First, a special relationship may be created where the officer makes a representation, either express or implied, that is detrimentally relied upon and causes a foreseeable harm to another person. (For example, no warning was given after an officer promised to warn a person if a prisoner, who had threatened her life, was released and the prisoner murdered that individual.) Second, a special relationship may be created where the officer engages in an affirmative act that increases the foreseeable risk of harm to the individual. (For example, an officer investigating an accident directs an individual to follow him/her to the middle of the intersection. The individual complies, and the individual is hit by a car.) In other words, a special relationship has (1) an aspect of dependency, where one party relies to some degree on an officer for protection, and, (2) the officer has superior control over the means of protection.

Officers should consider special relationship concerns with respect to the handling of an incident, and subsequent decisions to disengage.

### **301.5 TRAINING**

Agencies should include the principles of this Philosophy and the crisis management considerations handout, in regular training evolutions.

Following any significant incident, field supervisors are encouraged to debrief and evaluate the event within the context of this Philosophy and its considerations. The objective of debriefs are for individual and agency development and may serve to augment the capacities of peace officers with the objective of protecting the lives and safety of all persons.

## Deadly Force Review

### 302.1 PURPOSE AND SCOPE

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

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

### 302.2 POLICY

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

### 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

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

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

The Assistant Chief of Police will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Assistant Chief of Police of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 302.4.1 COMPOSITION OF THE BOARD

The Assistant Chief of Police should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each of the Division Commanders
- Commanding officer in the involved member's chain of command

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Deadly Force Review*

---

- Training Coordinator
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The Assistant Chief of Police will serve as chairperson.

### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Deadly Force Review*

---

consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

## De-escalation

### 303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines on de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible. The overall goal of this policy is to promote thoughtful resolutions to situations and reduce the likelihood of harm to all persons (Government Code § 7286).

### 303.2 DEPARTMENT EXPECTATIONS AND DEPLOYMENT PRIORITIZATION

Law enforcement is guided by the overarching principle of the sanctity and reverence for human life. This philosophy is supported by policy, law, and the department's organizational culture. To uphold this standard, law enforcement officials must exhibit professionalism, civility, equality, and transparency in all interactions with members of our diverse community. Accordingly, the Carlsbad Police Department is committed to providing members with the training, equipment, and resources necessary to encourage peaceful resolutions with the expectation that members adopt this philosophy in such a way that its values can be observed in action.

The department recognizes that some situations require an immediate response, while other situations may allow members the opportunity to communicate with the individual, refine tactical plans and, if necessary, call on additional resources. When a reasonable opportunity exists, members shall consider the concepts of pre-engagement, de-escalation, and disengagement consistent with the definitions provided in this document.

### 303.3 DUTY TO INTERCEDE

It is expected that all department members should employ the best practices contained in this policy as reasonably appropriate under the circumstances. Any officer present and observing another department member acting in a manner that is clearly inconsistent with this policy, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to further compliance with de-escalation best practices.

### 303.4 DEFINITIONS

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

**Pre-Engagement:** Pre-Engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component of the decision-making process.

**De-escalation:** De-escalation is the use of strategies and/or techniques to gain voluntary compliance from an individual to gain or maintain control of an incident while reducing the need

## *De-escalation*

---

for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

**Criminal Suspects:** Criminal suspects are identified as individuals who, based on their actions, statements, or other conduct appear to be voluntarily engaged in criminal behavior. While crisis individuals often require time and distance for successful resolution, criminal suspects may use that time to escape or further resist law enforcement efforts.

**Person in Crisis:** A person whose level of distress or mental health symptoms have exceeded the person's ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

**Engagement:** Engagement occurs when contact is initiated with the individuals involved in an incident. Engagement may represent the first moment the involved parties are aware of police involvement.

**Disengagement:** Disengagement is a method designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others or resistant offenders who may later be apprehended under safer conditions.

De-escalation is reviewed and evaluated under the totality of the circumstances as reasonably known, understood, or reasonably available to be known at the time of the incident. De-escalation is not static; it is fluid and can be started, paused, restarted, or stopped at any time. The most effective law enforcement professionals possess the mental dexterity to lawfully modify or adjust their approaches to situations under circumstances that are tense, uncertain, and/or rapidly evolving. This policy recognizes that there are occasions where the use of force serves a de-escalating purpose and can result in safer outcomes than using no force at all. This policy recognizes that sometimes the use of force is necessary to safely resolve an incident.

### **303.5 PRE-ENGAGEMENT (INCIDENT PREP/PLANNING)**

**Pre-Engagement:** Pre-Engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component to the decision-making process.

#### **303.5.1 COMMUNICATION CENTER STAFF'S RESPONSIBILITIES**

The responsibility of the Communications Center is for the call taker to obtain critical information regarding incidents and for the radio dispatcher to relay the information to officers as early as possible, which will allow the officers to plan their response. Call takers should make every effort to ascertain if the actions or behaviors of a person involved in an incident indicate that the person



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *De-escalation*

---

may be in crisis, and not only criminal in nature. Indicators of a crisis may include, but are not limited to:

- The presence or a history of mental illness, psychiatric treatment, or psychiatric medications.
- The presence or a history of suicidal ideations or attempts, or of self-harm.
- The presence or a history of substance abuse (drugs, alcohol, etc.).
- The presence or a history of aggressive behavior or violent rage.
- A history in CAD of prior police responses for the individual or the location address.

When any of these or other indicators of a crisis are present, the call taker should thoroughly document the pertinent details into the CAD notes, using clear and concise language, and the radio dispatcher should communicate that information to the officers as soon as reasonably possible. Crisis events might be caused by (or result in) a medical emergency, which could potentially be life-threatening, so the involvement of paramedics as part of the response should be considered. The radio dispatcher should also assign additional resources if the situation dictates, including adding more officers and requesting a supervisor as reasonably available.

#### 303.5.2 OFFICER RESPONSE

The concept of de-escalation often begins before officers arrive at a call for service or initiate proactive enforcement. De-escalation may begin at the first moment an officer knows they will be engaging and interacting with the subjects of an investigation. De-escalating a situation often includes mitigating the ability of a situation to escalate by taking the appropriate precautions and preemptive measures prior to initial contact. When feasible, preemptive measures and precautions should include:

- Conducting an initial assessment of the incident and attempt to identify the nature of the situation.
- Determine if the nature of the incident requires an immediate response or permits staging or waiting for the appropriate resources and personnel before proceeding to engage a situation or individual.
- Request the appropriate equipment and resources such as less-lethal weapon systems, air support, drone operators, medical assistance, PERT, etc.
- Developing a plan of action (pre-briefing) which should include objectives, contingencies for possible outcomes and officer actions.
- Establishing officer roles such as primary officer, contact, cover, less-lethal, handcuffing, etc. Officers should request a supervisor as needed or appropriate for the incident.

## *De-escalation*

---

Age, physical or cognitive disabilities as well as language barriers and cultural norms should be taken into consideration when handling incidents. Some individuals may have limitations in their ability or willingness to comply, understand directions or recognize the consequences of their actions. (Policy 370).

### 303.5.3 CRISIS / CRIMINAL SUSPECTS

**Criminal Suspects-** Criminal suspects are identified as individuals who, based on their actions, statements, or other conduct appear to be voluntarily engaged in criminal behavior. While crisis individuals often require time and distance for successful resolution, criminal suspects may use that time to escape or further resist law enforcement efforts.

#### **Person in Crisis**

A person in crisis is one whose level of distress or mental health symptoms have exceeded the person's ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Members should be alert to any of the following possible signs of mental health issues or crisis. Members should be aware that this list is not exhaustive. The presence or absence of any of these indicators should not be treated as proof of a mental health issue or crisis:

- A known history of mental illness
- Threats of or attempted suicide
- Loss of memory
- Incoherence, disorientation, or slow response
- Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- Social withdrawal
- Manic or impulsive behavior, extreme agitation, lack of control
- Lack of fear
- Anxiety, aggression, rigidity, inflexibility, or paranoia
- Presence of drug or alcohol impairment

It should be recognized that individuals in crisis can commit criminal offenses. Officers should balance the individual's behavior and actions with their capability and willingness to comply with directions, and the danger posed by the subject to others.

## *De-escalation*

---

When danger to others is reasonably mitigated, Officers should evaluate that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

### **303.6 ENGAGEMENT**

Engagement occurs when contact is initiated with the individuals involved in an incident. Engagement may represent the first moment the involved parties are aware of police involvement. When choosing to engage with a subject, officers should act within the following considerations:

**Mindset:** Engagement should occur with a mindset of striving to minimize risk and increase safety for all persons.

**Adaptability:** It is important to recognize that situations requiring de-escalation are dynamic and may change without notice based on the actions of the person or the circumstances of the situation.

**Incident Management and Continuous Assessment:** Effective engagement requires an ongoing assessment of cause-and-effect factors from multiple perspectives. Attempt to identify the cause(s) which have resulted in the effect, or the situation requiring de-escalation. Implement strategies designed to manage behaviors, conditions, and circumstances contributing to the need for de-escalation. Strategies should attempt to mitigate escalating factors to achieve a more desirable effect and resolve the situation. Some examples of continuous assessment may include:

- Ensuring that those subjected to the use of force are provided with timely access to medical care.
- Evaluating the necessity of the position and level of restraint applied to the subject.

#### **303.6.1 COMMUNICATIONS**

Communication is a primary method used to accomplish de-escalation. Communication should be used to gain voluntary compliance when safe, feasible, and without unreasonably compromising law enforcement priorities. In many cases, effective communication will be the method in which successful de-escalation is accomplished. Communication can be both verbal and non-verbal. Mirroring or matching your non-verbal communication with your verbal communication can help reduce confusion by the subject.

Some effective methods that may be utilized to accomplish successful communication:

- Attempt to explain your intentions and provide clear expectations.
- Engage in active listening techniques.
- Attempt to build rapport.
- Recognize that many disabilities, mental illness and/or drug/alcohol use may inhibit an individual's ability to communicate or follow directions.
- Avoiding profanity when interacting with individuals.

## *De-escalation*

---

### **303.7 DISENGAGEMENT**

Disengagement is a method designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis where the danger of further police interactions outweighs the risk posed to others. Disengagement may also be a viable option for criminal offenders where the risk posed to others outweighs the benefit of immediate apprehension.

Any time peace officers intend to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident. Peace officers should attempt to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, and they are aware that officers will no longer be present to protect the safety of the involved persons.

Officers should consider special relationship concerns with respect to the handling of an incident, and subsequent decisions to disengage. Reasonable efforts should be made to notify the involved parties and affected community members of our disengagement as appropriate. Officers should also look for opportunities to communicate with bystanders, or the general public regarding police actions and resolutions as appropriate.

### **303.8 SUPERVISOR RESPONSIBILITIES**

If available, a supervisor or designee should respond to all critical incidents and occurrences that have a reasonable likelihood of resulting in the use of force or the implementation of tactical or incident command. Such incidents include, but are not limited to, persons in crisis who are engaged in violent behavior, high-risk vehicle stops and the conclusion of pursuits, events involving persons with weapons, or those in crisis that represent a threat to the public or officers, barricaded individuals, or any other event that would benefit from additional training, experience, or formal incident command structure. When time allows, a supervisor shall ensure the following objectives:

- **Notification:** Upon notification of a critical incident in progress, a supervisor will acknowledge the incident on the radio and maintain awareness of officer activities. Supervisors will ensure that officers are engaging in appropriate pre-engagement considerations.
- **Incident Management:** Supervisors will ensure that each critical incident has an identified Incident Commander. The supervisor does not necessarily need to fill the role of Incident Commander if the responsibility is adequately being filled, however, the supervisor will air their presence and responsibility for the incident.
- **Incident Classification:** As soon as reasonably possible Incident Commanders are responsible for classifying the nature of the incident to allow for a coordinated mindset by all involved personnel. This incident designation may change multiple times during the incident based on the availability of new information.
- **Role Designation:** Supervisors will ensure that individual roles and responsibilities that promote de-escalation and successful outcomes are identified. Supervisors should consider the number of officers and resources at an event and how they may positively or negatively influence the incident. Role designation enables officers

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *De-escalation*

---

to focus on specific tasks and responsibilities, encourages the coordination of the incident and individual actions and ensures that appropriate resources are available for deployment as needed. Role designations may include:

- Less lethal
- K9
- Contact officer
- Designated Handcuffing and Cover Officers

**Authorization and coordination of pre-planned actions:** As Incident Commander, the supervisor has operational control over pre-planned actions taken during the event. Supervisors should take advantage of discretionary time by pre-planning with officers and establishing contingency plans in response to anticipated suspect actions. The supervisor must also ensure that pre-planned events are communicated to others assigned to the incident to ensure deconfliction and to guard against potentially compromising activity. (Blue on Blue events).

**Allied Agency Involvement:** Mutual aid requests and allied agency activity simultaneously allows for additional available resources and personnel, but can complicate incidents as varying policies, organizational cultures and mindsets are introduced to the incident. Supervisors should ensure that expectations and deployment parameters are communicated to allied agency representatives. Time permitting, supervisors should solicit from allied units, such as responding allied agency K9 units, unique restrictions or policy considerations that may impact the incident.

**Disengagement:** Supervisors shall consider strategic disengagement absent an imminent threat to the public. This may include removing or reducing law enforcement resources or engaging in passive monitoring.

**Communication:** Supervisors are responsible for communicating the circumstances surrounding incidents to agency leadership and other impacted units/squads. Supervisors should also look for opportunities to communicate with bystanders, or the general public regarding police actions and resolutions as appropriate.

**Debriefing:** Thorough incident debriefs can benefit those officers involved in the incident, as well as provide organizational experience to those personnel who did not respond to the event. Supervisors should conduct an informal debrief as close in time as reasonable to the conclusion of the incident to identify learning opportunities and areas of needed development. These debriefs also encourage employee wellness as they enable officers to decompress and communicate their experiences.

Incidents with significant areas of development or that present beneficial unit improvement should be reviewed during daily briefings. Supervisors should ensure that these meetings both identify challenges represented in the incident and focus on individual and unit learning and development.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *De-escalation*

---

#### **303.8.1 WATCH COMMANDER RESPONSIBILITIES**

Watch Commanders carry the responsibility for the overall conduct of police personnel during their assigned shifts. Watch Commanders must confirm that individual incidents are handled appropriately while ensuring operational effectiveness is maintained city-wide.

Watch Commanders shall ensure compliance with Supervisor responsibilities noted in this policy.

Watch Commanders are responsible for the incidents, personnel, and actions taken under their command, and shall take a proactive leadership role as appropriate.

Watch Commanders must balance the specific need of individual incidents with overall operations and city-wide responsibilities. Watch Commanders shall:

- Ensure proper and necessary information is communicated to department and city leadership.
- Coordinate pertinent communications with the Department's Public Information Officer.
- Ensure debriefing is conducted to encapsulate all elements of the incident.
- Shall ensure an After-Action Report is completed as appropriate.
- When the decision is made to disengage, Watch Commanders shall be responsible for ensuring that the related investigation is pursued to its appropriate conclusion or until responsibility is adopted by another division.

#### **303.9 TRAINING**

Effective, consistent, and intentional training must be maintained to ensure officers are prepared to comply with this policy. Department training should work toward incorporating multiple disciplines of training to a cohesive field application.

All ongoing department training should be consistent with the principles outlined in this policy emphasizing the importance and practices of de-escalation and crisis management when reasonably possible and appropriate.

## 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 Carlsbad 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 Carlsbad Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

The RIPP Hobble manufactured by RIPP Restraints, Inc., Orange City, Florida and the WRAP manufactured by Safe Restraints INC., Walnut Creek, California the only restraints authorized by this Department. Officers shall only use the RIPP Hobble restraint and the WRAP supplied by the Department.

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

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

#### 306.3.1 RESTRAINT OF DETAINEES

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Handcuffing and Restraints*

---

#### **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. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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

#### **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 person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

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

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

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

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

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

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

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

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



## *Handcuffing and Restraints*

---

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

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

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

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

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

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

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

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

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

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

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Handcuffing and Restraints*

---

#### 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

#### **306.8 REQUIRED DOCUMENTATION**

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

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

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

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

## *Handcuffing and Restraints*

---

### **306.9 TRAINING**

Subject to available resources, the Training Coordinator should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## 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.

#### 308.1.1 APPROVED WEAPONS LIST

The following are approved impact weapons:

- SAP (beaver tail style)
- Fixed side handle baton
- fixed straight baton
- Expandable baton - Both straight and side handle (department approved)
- flashlight
- OPN

### 308.2 POLICY

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

### 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

### 308.4 RESPONSIBILITIES

#### 308.4.1 WATCH COMMANDER RESPONSIBILITIES

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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Control Devices and Techniques*

---

### 308.4.2 RANGEMASTER RESPONSIBILITIES

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

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

### 308.4.3 USER RESPONSIBILITIES

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

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

### 308.5 BATON GUIDELINES

[REDACTED]

### 308.6 TEAR GAS GUIDELINES

[REDACTED]

### 308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

[REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Control Devices and Techniques*

---

#### **308.7.1 OC SPRAY**

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

#### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin.

Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable.

A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required per the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, regardless if the launcher was used.

Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.7.3 TREATMENT FOR OC EXPOSURE**

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

#### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense.

*Control Devices and Techniques*

---

Information regarding the method of notice and the individuals notified should be included in related reports.

**308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

[REDACTED]

**308.9.1 DEPLOYMENT AND USE**

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**308.9.2 DEPLOYMENT CONSIDERATIONS**

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

*Control Devices and Techniques*

---

[REDACTED]

**308.9.3 SAFETY PROCEDURES**

[REDACTED]

**308.10 TRAINING FOR CONTROL DEVICES**

Designated Weapons Training Unit (WTU) personnel shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Control Devices and Techniques*

---

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

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

## Conducted Energy Device

### 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

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

All uniformed Field Personnel are required to carry the TASER while performing field duties.

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

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

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

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

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (c) 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.

## *Conducted Energy Device*

---

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, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

### **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 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Conducted Energy Device*

---

- (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).

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

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. 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.

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. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Conducted Energy Device*

---

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

#### **309.6.1 REPORTS**

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

### **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.

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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Conducted Energy Device*

---

- (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. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### **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 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 should 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 Coordinator. 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.

## *Conducted Energy Device*

---

The Weapons Training Unit (WTU) 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 WTU staff 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 unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional 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 COUNTYWIDE PROTOCOL FOR INVESTIGATION AND REVIEW OF OFFICER-INVOLVED SHOOTINGS AND OTHER DEADLY FORCE INCIDENTS

The law enforcement agencies of San Diego County recognize the need for transparent and independent criminal investigations and reviews of all peace officer-involved shootings, use of force incidents resulting in death, and "in custody" related deaths occurring outside of the jail setting. The Carlsbad Police Department has a desire to cooperate to achieve this goal and has entered into a Memorandum of Understanding (MOU) with other law enforcement agencies.

For purposes of this MOU, the San Diego Police Department (SDPD) will be the investigating agency if a member of the Carlsbad Police Department (CBPD) is involved in the above qualifying circumstances. This agreement applies solely to criminal investigations and does not address or impact the CBPD's ability to conduct its own concurrent or subsequent investigation for administrative or civil litigation purposes.

### 310.2 PURPOSE AND SCOPE

The purpose of this agreement is to conduct independent investigations, provide consistency in inter-agency investigations within San Diego County and outline the circumstances for conducting criminal investigations and independent review of all law enforcement related:

- (a) Discharges of a firearm (excluding discharges that are deemed unintentional, training related, of less lethal munitions, or conducted during the euthanization of an animal)
- (b) Use of force incidents that result in death or imminent death.

This agreement applies solely to criminal investigations and does not address or impact an agency's ability to conduct their own concurrent or subsequent investigation for administrative or civil litigation purposes.

This agreement is not intended to transfer investigative responsibility for all deaths occurring in a custodial setting. Deaths in a County Custodial setting will only be investigated in accordance with this agreement when they are the apparent result of a use of force by an officer or custodial staff.

### 310.3 DEFINITIONS

- (a) "AB1506 Qualifying Event" means an officer-involved shooting incident where the subject shot by officers is killed and deemed "unarmed" based on the guidelines established by the California Department of Justice and California Attorney General's Office.
- (b) "Deadly Force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
- (c) "Incident" is defined as 1) any discharge of a firearm by a peace officer, excluding discharges that are deemed unintentional, training related, or conducted during the euthanization of an animal, 2) any use of deadly force by a peace officer resulting in death, or 3) the death of a person while "in custody" of a peace officer. For purposes



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

of this MOU, an "incident" does not include the death of a person incarcerated in a County or City detention facility/jail (except when it stems from a use of force).

- (d) "In-Custody" is defined as a detention or arrest coupled with a use of physical force and/or some sort of physical restraint (e.g., handcuffing, placed in a police vehicle). "In-Custody" means more than being chased or contained by officers.
- (e) "Involved Agency" means the agency employing the peace officers involved.
- (f) "Investigating Agency Liaison" means the employee, supervisor, or manager of the investigating agency tasked with being a liaison between the investigating agency and the jurisdictional agency to facilitate the comprehensive and independent investigation of the incident.
- (g) "Involved Agency Liaison" means the employee, supervisor, or manager of the involved agency tasked with being a liaison between the involved agency, the jurisdictional agency (if different than the involved agency), and the primary investigating agency to facilitate the comprehensive and independent investigation of the incident.
- (h) "Jurisdictional Agency" means the police agency with primary law enforcement jurisdiction over the area where the incident occurred.
- (i) "Jurisdictional Agency Liaison" means the officer, supervisor, or manager tasked with being the resource conduit between the jurisdictional agency, the involved agency (if different than the jurisdictional agency), and the investigating agency to ensure facility, information, evidentiary, and other logistical access for investigators handling the incident.
- (j) "Officers Involved" means peace officers who have fired their weapons, used force, or were participants in an incident as defined.
- (k) "Primary Investigating Agency" means the agency with investigative responsibility for a qualifying incident.

#### **310.4 PRIMARY INVESTIGATING AGENCY**

The Primary Investigating Agency is decided using the following criteria:

- (a) Incidents where officers involved are employed by the San Diego Police Department will be investigated by the San Diego Sheriff's Department.
- (b) Incidents where deputies/officers involved are employed by the San Diego Sheriff's Department or any of the other agencies participating in this agreement by signature below (except the San Diego Police Department), will be handled by the San Diego Police Department.
- (c) Incidents where both the San Diego Sheriff's Department and the San Diego Police Department have deputies/officers involved, will be investigated by the Chula Vista Police Department.
- (d) Incidents meeting the definition of an "AB1506 Qualifying Event" will be investigated as detailed under the header below.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- (e) Uses of deadly force, aside from the discharge of a firearm by a peace officer, that do not result in death will be investigated by the involved agency unless there is an independent MOU with another agency to handle those investigations.

For incidents involving a predicate criminal investigation and an associated officer-involved shooting investigation, the jurisdictional agency of the original incident will handle the criminal investigation and apprehension of any related suspects, while the primary investigating agency will specifically investigate the officer-involved shooting. The lead case agents from each investigative team will confer to ensure investigatory needs, such as evidence collection and processing, scene processing and documentation, and interviews are met, and take into consideration the needs of both investigations. Appropriate laboratory personnel will be utilized for each investigation.

In situations where an officer is seriously injured or killed, other than traffic collisions, and an officer-involved shooting occurs, the incident will be investigated by the primary investigating agency utilizing their laboratory personnel. In some instances, the primary investigating agency and jurisdictional agency may consider separating the investigations. This decision will be made by the primary investigating agency, who will consider factors which may include the jurisdictional agency's interests, case integrity and other applicable consideration when making a decision to separate the cases.

Incidents meeting the definition of an AB1506 Qualifying Event will initially be handled as outlined above; however, once California DOJ is notified, responds, and determines the incident is a qualifying event, they will assume the role of primary investigating agency and the former primary investigating agency will take a secondary, collaborative role. The process for handling these events is outlined in the California Department of Justice – Division of Law Enforcement California Police Shooting Investigations Teams (CaPSIT) Investigation Protocol Procedures.

Incidents involving federal law enforcement or any state or local agency electing not to participate in this MOU will be handled by the jurisdictional agency or in accordance with other existing agreements. This is further outlined below.

#### **310.5 POLICY**

When a peace officer, whether on or off duty, is involved in an incident, the jurisdictional agency shall contact the appropriate primary investigating agency, via their Communications Centers, as outlined above. The agency that employs the officer(s) involved, or other designated investigating agency, may conduct a concurrent or subsequent investigation of the incident; however, the intent of the parties to this agreement is that these types of investigations be conducted by the primarily investigating agency, independently and without interference or undue influence from the agency that employs the involved officer(s) or deputy(s).

All information or reports developed by the primary investigators shall be made available to all involved agencies, as needed, and as permitted by law. Except as outlined in AB1506, or for incidents involving Federal Law Enforcement, the primary investigating agency shall submit investigative documentation of qualifying incidents, as defined herein, to the District Attorney's Office for review.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

All AB1506 cases will be submitted by the California Department of Justice investigators to the charged Deputy Attorney General for review in accordance with their review process and the law.

#### **310.6 RESOURCES**

The primary investigating agency will utilize their own laboratory personnel, unless impractical to do so. If the primary investigating agency laboratory personnel are not to be used, the primary investigating agency will make arrangements to provide laboratory personnel.

#### **310.7 JURISDICTIONAL AGENCY'S INITIAL RESPONSE**

Officers who used force in incidents, as defined above, and officers identified as key witnesses shall be removed from the scene as soon as possible. Officers who used force shall be transported, as determined by the primary investigating agency, to a law enforcement facility within a reasonable distance from the scene, with resources deemed adequate for the separation of witnesses, accommodates investigative procedures, and affords a reasonable degree of personal comfort, convenience, and privacy for the parties involved.

Officers involved in incidents, as defined above, should brief the first responding supervisor, or other officer responsible for securing the incident scene, of the general facts of the incident and other matters as they relate to public safety. Within the guidelines of law and department policy, officers involved should cooperate fully with supervisors and advise them of the following via a public safety statement that captures the following:

- Are there any outstanding suspects; if so, please describe them and any vehicles and their last known direction of travel?
- Are there any injured persons; if so, please advise of their whereabouts and the nature of their injuries?
- Where were you when you fired and in what approximate direction were you pointing your weapon when you fired? If you were fired at, from what direction was the suspect firing?
- How many rounds do you think you fired and how many rounds were fired at you?
- Are there any outstanding weapons, and if so, do you know what type?

This information will enable the responding staff to take appropriate emergency action, to secure evidence and to isolate the scene.

Following the initial briefing with the first responding supervisor, and except as permitted below, officers involved should not discuss the incident with other persons, or among themselves, before being interviewed by the investigators from the primary investigating agency.

Investigators shall seek voluntary statements from officers involved in the incident. Officers involved in the incident shall be permitted to speak with a legal representative, peer support representatives, chaplain and/or mental health professionals before submitting to an interview by incident investigators. Under no circumstances will the primary investigating agency compel

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

a statement from an involved officer. Should an involved officer decline to provide a voluntary statement, an involved agency may elect to follow their Department's Policy and Procedure to obtain a statement for their internal use.

#### **310.8 INCIDENT SCENE**

Officers at the scene, regardless of agency affiliation, shall secure the scene pending arrival of representatives of the jurisdictional agency and the primary investigating agency.

The security of the incident scene shall be handled by the jurisdictional agency, as directed by the primary investigating agency, for the duration of the time they are on scene.

#### **310.9 AGENCY LIASIONS**

When the primary investigating agency is dispatched to handle an incident, they shall, immediately upon arriving on scene, identify who the involved agency liaison will be and, if applicable, a jurisdictional agency liaison to coordinate the sharing of necessary information.

The primary investigating agency liaison, or their designee, shall brief the involved agency and jurisdictional agency as requested. This will facilitate on scene logistical operations and allow the involved agency to complete necessary administrative and operational reviews.

The involved agency liaison shall also be responsible for providing any necessary agency-specific information to the primary investigating agency, such as mobile data/CAD information, BWC footage, and employee record information to include date of hire, assignment etcetera.

#### **310.10 EVIDENCE**

Evidence, including personal belongings of the officers involved, shall not be unnecessarily moved or altered. Evidence in the personal possession of the officers involved, such as firearms or other equipment, shall be surrendered upon request of investigators representing the primary investigating agency. Replacement of equipment taken for evidence will be handled as outlined in the involved officer's Department policy and the law.

#### **310.11 ON SCENE BRIEF**

Prior to beginning the investigation of the incident, members of the primary investigating agency, the involved agency, the assigned District Attorney Investigator, and where applicable, the jurisdictional agency liaison, shall receive a joint briefing on the facts known to that point. The primary investigating agency is not required to delay the briefing or subsequent investigation to accommodate unavailable involved or jurisdictional agency members, so as not to delay the onset of the investigation. Additional briefings may take place as time allows or as necessitated as the investigation unfolds.

#### **310.12 MEDIA RELEASES**

The release of information concerning any incident as defined herein will be handled by the primary investigating agency, in coordination and collaboration with the involved agency, and

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

when appropriate, the jurisdictional agency. The release of video or information related to these investigations shall be in compliance with Government Code section 6254(f) and SB 1421. Any other agency receiving media inquiries about the incident shall refer them to the primary investigating agency for coordination and distribution with the involved agency, and if appropriate, the jurisdictional agency. Once the primary investigating agency submits the case to the District Attorney's Office for review, media requests should generally be referred to the District Attorney's Office. The Countywide Protocol MOU is not meant to restrict the head of an agency from making public statements or releasing video that he or she deems necessary to the interests of justice or to protect public safety.

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

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 primary responsibility for the investigation.

#### **310.13 NOTIFICATIONS**

The primary investigating agency shall be responsible for notifying the Medical Examiner and coordinating all necessary evidentiary information and collection with the Medical Examiner's Office.

The primary investigating agency shall be responsible for coordinating family notifications with the Medical Examiner's Office, as necessary.

The primary investigating agency shall notify the designated representative of the District Attorney, and/or representatives from the California Department of Justice as outlined below, immediately upon learning of the occurrence of any incident as defined herein.

#### **310.14 DISTRICT ATTORNEY'S OFFICE INITIAL RESPONSE**

A District Attorney Investigator (DAI) may respond to the scene of incidents, as defined herein, which occur within the County of San Diego.

The DAI will contact the supervisor in charge of the investigative agency at an incident scene. A briefing of the incident and a familiarization of the incident scene will be given as soon as practical. The DAI will be permitted access to the incident scene to the extent possible, without contaminating evidence or otherwise disturbing the scene.

The DAI may participate in the interview of witnesses, if invited by the primary investigating agency. They will identify any potential witnesses they discover and point out any item of evidence they observe to the officer in charge of the investigation. The DAI will not interview witnesses and will not gather evidence at the initial scene but may provide any advice or other assistance sought by the primary investigating agency.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

The assigned DAI may attend the autopsy of any decedent involved in a fatal incident.

#### **310.15 "THREE DAY" INITIAL BRIEF**

In any incident, as defined herein, the primary investigating agency, or former primary investigating agency if the incident is an AB1506 Qualifying Event, shall provide a briefing to representatives of the involved agency and the District Attorney's Office, or the Attorney General's Office, generally no later than the third working day following the incident. The briefing shall include a verbal review of the evidence, witness statements, and the status of the investigation. Included in this review should be selected representatives of the involved agency, representatives from the Federal Bureau of Investigation, the United States Attorney's Office, and legal representatives for the involved agency.

#### **310.16 REPORTING**

Upon completion of the investigation of an incident, as defined above, or no later than 90 days, the investigating agency shall provide copies of all investigative reports, witness statements, recordings, video evidence, photographs, diagrams, autopsy reports, and all other relevant documents to the California DOJ or the District Attorney for review as appropriate. The primary investigative agency shall also make available for inspection any item of evidence. In return, the District Attorney will complete their review and report their findings to the involved and investigating agencies within 90 days of receiving all relevant reports, such as the Medical Examiner's reports and laboratory findings.

In cases where there is a use of deadly force that is not a qualifying discharge of a firearm or does not result in death, they will be investigated by the involved agency unless there is an independent MOU with another agency to handle those investigations. Submission of these cases for review by the District Attorney's Office for potential criminal liability will be determined by the investigating agency.

#### **310.17 DISTRICT ATTORNEY RESPONSIBILITY**

The District Attorney may request supplemental investigation of an incident by the primary investigating agency or conduct additional investigation through District Attorney personnel. Copies of any investigative reports prepared by the District Attorney will be provided to the primary investigating agency as soon as possible.

The District Attorney shall conduct an independent assessment of the circumstances surrounding an incident, as defined herein. The District Attorney will issue written findings to the head of the primary investigating agency and the head of the agency employing the officer(s) involved within 90 days of receiving all relevant reports, such as the Medical Examiner's reports and laboratory findings.

The District Attorney's Office will be responsible for releasing their findings to the media/public after first issuing the findings to the head of the primary investigating agency and the head of the agency employing the involved peace officer. The time and manner of release shall be determined

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

by the District Attorney's Office with notification being made to the affected agencies beforehand, to ensure involved parties are prepared for that release of information.

In the event of an officer-involved shooting where an officer is wounded and a person is charged with a crime, the District Attorney reserves the option to waive the review set forth herein. In such a case, the District Attorney will send the requesting agency a letter memorializing the absence of state criminal liability on the part of the officer(s) involved.

#### **310.18 VIDEO AND AUDIO EVIDENCE RELEASES**

Law enforcement agencies will endeavor to release video and audio evidence from an incident within 45 days of an incident or sooner, pursuant to Government Code section 6254(f)(4) and in accordance with Penal Code section 832.7. However, video and audio evidence will not be released if:

1. Release will substantially interfere with an active criminal investigation.
2. The safety of a witness or confidential source will be endangered, and redaction of the video or audio will not protect the safety of the individual.
3. Release will violate the reasonable expectation of privacy of a subject depicted in the recording which outweighs the public interest in the video, and redaction of the video or audio will not protect the privacy of the individual.

#### **310.19 INCIDENTS INVOLVING NON-PARTICIPATING LAW ENFORCEMENT AGENCIES**

When an employee of a state, local, or out-of-county law enforcement agency not participating in this agreement is involved in an incident as described above, the jurisdictional agency shall conduct the primary investigation of the incident unless there is an independent MOU between that non-participatory law enforcement agency and another agency to conduct those investigations. The agency that employs the involved officer may conduct a concurrent or subsequent investigation of the incident.

#### **310.20 INCIDENTS INVOLVING FEDERAL LAW ENFORCEMENT PERSONNEL**

This MOU does not generally apply to incidents involving federal law enforcement personnel; therefore, incidents involving them will be handled by the appropriate federal investigatory agency or as outlined in an independent MOU/agreement.

#### **310.21 INCIDENTS INVOLVING PEACE OFFICERS ASSIGNED TO A FEDERAL TASK FORCE**

If the involved officer is a peace officer under California law and assigned to a federal task force (i.e., a Task Force Officer, aka TFO), then the primary investigating agency shall be determined based on the agency the Task Force Officer works for, and pursuant to this MOU.

## *Officer-Involved Shootings and Deaths*

---

### **310.22 AB1506 QUALIFYING EVENTS**

The California Department of Justice is mandated under AB1506 to investigate officer-involved shootings of "unarmed" civilians resulting in death. The intent is to have Department of Justice investigators working collaboratively with the staff from the local primary investigating agency to conduct the investigation. These investigations will be conducted in accordance with the guidelines in the California Department of Justice – Division of Law Enforcement California Police Shooting Investigations Teams (CaPSIT) Investigation Protocol Procedures manual and local OIS practices, like this MOU. Upon completion of the investigation, the investigative package will be submitted by the CaPSIT Case Agent to the California Attorney General's Division of Criminal Law for review.

### **310.23 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 involved officer(s).
- (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 involved officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all relevant information to the Watch Commander and Communications 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.
- (g) As soon as practical, involved officers should be separated and transported to a nearby law enforcement facility or other location as directed by the San Diego Police Department.
  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 by the Department.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

### **310.24 WATCH COMMANDER DUTIES**

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by investigators from the investigating agency or Carlsbad Police Department investigation personnel.

### **310.25 NOTIFICATIONS**

The following entities shall be notified as soon as practical:

- San Diego Police Department
- Division Commanders
- Psychological/Peer support personnel
- CPOA/CPMA representative (if requested)

### **310.26 INVOLVED OFFICERS**

Once the involved officer(s) have arrived at the station or at a different designated location, if not already done a supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

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)).

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

#### **310.27 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 preceding the deadly force incident. This investigation will be in coordination with the primary investigating agency.

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

#### **310.28 ADMINISTRATIVE INVESTIGATION**

The Carlsbad Police Department is responsible for conducting an administrative investigation to determine the conformance with department policy. The investigation will be conducted by the Professional Standards and Services Bureau.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

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. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, they should be given their rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards and Services Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **310.29 AUDIO AND VIDEO RECORDINGS**

Any officer involved in an incident may be permitted to review available Body Worn Camera (BWC) video or other video or audio recordings prior to providing a recorded statement or completing reports at the discretion and with the approval of assigned investigators or a supervisor.

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 BWC or other video or audio recordings with approval of assigned investigators or a supervisor.

Any BWC and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the primary investigating agency

---

## Firearms

### 312.1 PURPOSE AND SCOPE

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

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

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

### 312.2 POLICY

The Carlsbad 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.

#### 312.2.1 DEPARTMENT ISSUED HANDGUNS

The authorized departmental issued handgun is the Glock 17 in 9mm Parabellum (Gen5).

When not deployed, the handgun shall be properly secured consistent with department training

#### 312.2.2 AUTHORIZED SECONDARY FIREARM

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

- (a) The firearm shall be in good working order and shall be of contemporary design and build (single action 1911-style handguns must have a contemporary firing system).
- (b) The manufacturer of the weapon must be a recognized and reputable company such as Glock, Sig Sauer, Springfield, Colt, H&K, Smith & Wesson, or similar.
- (c) Only one secondary firearm may be carried at a time.
- (d) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (e) The firearm 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 firearm shall be inspected by the Rangemaster or a member of the Weapons Training Unit (WTU) prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (g) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police shall approve the ammunition.
- (h) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

- (i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.

#### 312.2.3 AUTHORIZED OFF-DUTY FIREARM

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, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried concealed 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 firearm to the Rangemaster for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster or a member of the Weapons Training Unit (WTU).
- (e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Rangemaster or a member of the Weapons Training Unit (WTU) that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The officer will successfully qualify with the firearm prior to it being carried and thereafter once every year. The range qualification dates will be specified by the Rangemaster.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster or a member of the Weapons Training Unit (WTU).
- (h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (i) Officers shall only carry department-authorized ammunition.
- (j) When armed, whether on- or off-duty, officers shall carry their badge and department identification.

#### 312.2.4 AMMUNITION

Officers shall be issued duty ammunition for their primary firearms. The primary ammunition load out shall be established by the Range Master. Officers wishing to carry additional magazines or a larger supply of ammunition for their primary weapons must do so at their own expense. Additional ammunition must be the same as that issued by the Department.

Officers shall carry only Department approved ammunition in their secondary weapons.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Firearms*

---

Replacement of unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Master or a member of the Weapons Training Unit (WTU) when needed in accordance with established policy.

Members carrying personally owned authorized duty firearms of a caliber differing from department issued ammunition shall be responsible for obtaining ammunition approved by a member of the Weapons Training Unit in accordance with this policy at their own expense.

#### **312.2.5 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.

#### **312.2.6 LASER SIGHTS AND RED DOT SIGHTS (RDS) OPTICS**

Laser or RDS optics may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Range Master or a member of the Weapons Training Unit (WTU).

- (a) Any approved laser or RDS optics sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser or RDS optics have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it. Officers shall also qualify with the weapon without use of the laser sights.
- (c) Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

#### **312.2.7 PATROL RIFLE**

A patrol rifle is an AR-15 type rifle in .223 or 5.56 mm caliber which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. For purposes of this policy "patrol rifle" shall refer to Department owned rifles.

Any officer who fails to qualify or who fails to successfully complete a Department sanctioned training/qualification session will no longer be authorized to carry the patrol rifle without successfully completing remediation training.

Personally owned patrol rifles must be lawfully registered to the officer as an assault weapon before being authorized for duty use. The Range Master shall conduct a Department of Justice (DOJ) registration check before authorizing use of a personally owned rifle. The DOJ teletype shall be placed in the officer's personnel file.

### **312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS**

Members shall only use firearms, accessories, and ammunition that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Accessories include,

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

but are not limited to, holsters, magazines, weapon mounted lights, lasers and red dot sight (RDS) optics. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

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

#### 312.3.1 PERSONALLY OWNED DUTY HANDGUNS

Members desiring to carry an approved but personally owned duty handgun, approved holster and approved accessories must receive authorization from a member of the Weapons Training Unit. Personally owned duty weapons are subject to the following conditions:

- (a) the caliber of the firearm shall be 9MM Parabellum,.40 S&W or.45 ACP
- (b) The Weapon shall be of contemporary design and build (single action 1911-style handguns must have a contemporary firing pin system).
- (c) The manufacturer of the weapon is a recognized and reputable company such as a Glock, Sig Sauer, Springfield, Colt, H&K, Smith and Wesson, or significantly similar.
- (d) The weapon shall be in good working order and be inspected by a member of the Weapon Training Unit prior to being carried on duty. The weapon shall thereafter be subject to inspection whenever it is deemed necessary.
- (e) Members shall qualify with the weapon, approved holster, and any approved accessories under range supervision prior to carrying the weapon on duty and thereafter qualifying accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling.
- (f) The purchase of the handgun, approved holster, and any approved accessories and ammunition shall be the responsibility of the member unless the ammunition is the same caliber provided by the department.
- (g) if the caliber of the handgun is other than department issue, a member of the Weapons Training Unit shall approve the ammunition.
- (h) Members shall provide written notice of the make,model,color,serial number and caliber of the weapon to a member of the Weapons Training Unit.

#### 312.3.2 SHOTGUNS

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

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

#### 312.3.3 PATROL READY RIFLES

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" condition until deployed. Before going on-duty each officer shall conduct a thorough examination of the condition, lubrication, and cleanliness of his/her rifle. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

- (a) The chamber is empty;
- (b) The rifle bolt is forward with the hammer cocked;
- (c) The rifle safety is on;
- (d) There is a fully loaded magazine in the rifle;
- (e) The dust cover is closed;
- (f) The rifle is stored in the locked patrol vehicle's rifle rack or trunk.

#### 312.3.4 DEPLOYMENT OF THE PATROL RIFLE

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

- (a) Situations where the officer reasonably anticipates an armed encounter;
- (b) When an officer 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 believes that a suspect may be wearing body armor;
- (f) When authorized or requested by a supervisor.

#### 312.3.5 SHOTGUNS

- (a) Use of Shotguns
  1. A shotgun is to be displayed only under circumstances known or believed to be dangerous.
  2. Officers shall not chamber a round as a matter of routine when responding to a felony or serious call.
  3. A round may be chambered when confronting a felony suspect or entering a situation where a suspect is believed to be armed.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

- (b) Inspection of weapons before going on-duty
  1. Before going on-duty each officer shall conduct a thorough examination of the condition and cleanliness of his/her unit's shotgun.
  2. The shotgun shall be fully loaded but shall not have a round in the chamber; the hammer shall be in the down (fired) position and the safety shall be in the fire position (safety off).
  3. The locking mechanism holding the shotgun shall be checked to ensure that it is working properly at the beginning of each shift.
  
- (c) Storage of Shotguns in Vehicles
  1. Officers in marked patrol vehicles will not carry standard shotguns in or on any part of their vehicles while on routine patrol other than in the locking device installed in the car.
  2. Beanbag-type shotguns may be carried in a padded case inside the trunk.
  3. Shotguns are never to be carried or stored in a vehicle in a "cocked" position.
  4. Only Department-issued shotguns may be carried in police vehicles.

#### **312.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify quarterly with their duty weapon and annually with their off-duty weapons and secondary weapons on an approved range course. The Range Master shall keep accurate records of quarterly qualifications, repairs, maintenance, and training as directed by the Range Manager, and shall transmit the results of all training and qualifications to the Training Coordinator for entry into the Training Management System.

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

##### **312.4.1 REPAIRS OR MODIFICATIONS**

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

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

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

#### 312.4.2 DISCHARGE OF FIREARMS

For discharge of firearms see Policy § 300.

#### 312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

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

#### 312.5.1 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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

#### 312.5.2 EQUIPMENT STORAGE AT OFF SITE FACILITY POLICY

312.5.2 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]

#### 312.5.2 EQUIPMENT STORAGE AT OFF SITE FACILITY POLICY

312.5.2 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Firearms

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 312.6 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.

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

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

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

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

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

#### 312.6.2 FIREARMS MAINTENANCE

- (a) Officers are responsible for maintaining their firearms in a clean and serviceable condition at all times.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

- (b) Officers carrying a patrol rifle shall be required to field strip and clean an assigned patrol rifle as needed.
- (c) Officers shall be responsible for promptly reporting any damage or malfunction of an assigned Department firearm.
- (d) All duty firearms shall be subject to inspection by a supervisor, the Range Master or armorer at anytime.

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

#### **312.7.1 FIREARMS SAFETY**

Members authorized to carry firearms under authority of this policy have the responsibility to observe and practice the following safety regulations:

- (a) Every firearm shall be treated as a loaded firearm until the handler has personally proven otherwise.
- (b) Members shall not handle any firearm in a manner deemed to be careless.
- (c) Members shall not dry-fire, clean, or repair firearms while on-duty, except in locations specified by the Range Master or a member of the Weapons Training Unit (WTU).
- (d) Members must have qualified with a firearm prior to handling and/or manipulating the firearm while on-duty, except under the supervision of a department certified firearms instructor, or in an emergency, or as directed by a supervisor. This policy does not apply to firearms being processed as evidence.
- (e) Members shall not bring any loaded rifle, shotgun, special weapons, or unholstered handgun into a police facility. This policy does not apply to firearms being processed as evidence that cannot be rendered safe. Firearms that cannot be rendered safe, shall be impounded with notification to property and evidence and a supervisor.
- (f) Firearms shall not be accessible to unauthorized persons while stored or left unattended in the police facility.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

Any unintended discharge of a firearm is a violation of this policy.

#### **312.8 RANGEMASTER DUTIES**

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

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

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

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Carlsbad 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 Carlsbad Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Carlsbad Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Firearms

---

- (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.

#### 312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

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

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

#### 312.10 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her Carlsbad 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.

---

## Firearms Qualification and Remediation Policy

### 313.1 PURPOSE AND SCOPE

Maintaining proficiency with firearms is a necessary job requirement inherent to police work. Therefore, it is the responsibility of each individual officer to ensure that they meet firearms proficiency standards. It is also the responsibility of the department to provide necessary training and hold quarterly qualification shoots.

### 313.2 POLICY

- (a) All sworn personnel SHALL demonstrate proficiency with their firearm(s) at all department shoots.
- (b) All personnel authorized to carry firearms shall be required to successfully pass all qualification shoots with each authorized firearm as designated by the department's range staff.
- (c) Personnel assigned to specialized units such as N.T.F., G.T.F., R.A.T.T. etc. may be required to qualify within that unit. However, they are not exempt from required departmental firearms qualifications.
- (d) Personnel shall be required to qualify with shotguns and (for those authorized) less lethal weapons and carbines at least once every six months.
- (e) Employees returning from an extended absence (in excess of 120 days) shall be required to qualify with their primary service weapon prior to returning to duty.
- (f) New-hires (laterals and academy graduates) will complete a four-hour firearms familiarization training session and qualification prior to field duty.

### 313.3 FAILURE TO QUALIFY

- (a) Personnel who fail to attend a required firearms qualification without being excused by an appropriate authority may be subject to formal discipline.
- (b) The Chief of Police, division commander, and/or range staff may excuse a member of the department from firearms qualifications upon receipt of a written request from the member describing the particular circumstances which make the request necessary.
- (c) Members of the department on previously scheduled/approved vacation will normally be excused from a single firearms qualification without a written request. Such members shall notify the range staff of their absence in advance. The member shall then attend the next available shoot upon their return to duty.
- (d) The course of fire shall be determined by the range master.
  - 1. All firearm qualifications shall be graded numerically.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Firearms Qualification and Remediation Policy*

---

2. The overall minimum passing score shall be 70%.
  - (a) In the event that the employee fails to qualify with a required firearm, the range master shall forward a written memorandum to the employee's division commander, lieutenant, and sergeant(s) advising them of the officer's failure to qualify. This failure to qualify shall be noted in the employee's written performance evaluation. Subsequent failures to qualify within the following year will result in progressive discipline as determined appropriate by command staff.
3. Officers failing to qualify shall be scheduled to attend a four-hour remedial training session as soon as practicable. This scheduling shall be at the direction of the range master.
  - (a) The employee shall be given an opportunity to qualify upon completion of the remedial training session. The qualification course of fire and scoring method shall be the same as that which the employee previously failed.
  - (b) In the event that the employee fails the remediation shoot, the range master shall forward a written memorandum to the employee's division commander, lieutenant, and sergeant(s), stating that the remedial training was unsuccessful and that the officer failed a second attempt at qualifying. A copy of this letter shall be placed in the employee's training file.
  - (c) Personnel who fail the remediation attempt shall immediately be removed from field duty.
  - (d) The employee will not be authorized to carry any firearm, on or off duty except for the purpose of additional firearms training/practice. This shall not supersede the rights afforded to any citizen as provided by California law.
  - (e) Following a failure of remedial qualification, the employee shall be scheduled for additional firearms training at the direction of the range master.
    1. The employee will then be required to complete the original qualification shoot. If the officer succeeds, the officer will be returned to their regular assignment.
    2. In the event that the officer fails this third attempt, the officer will be subject to discipline as determined appropriate by the Chief of Police.

---

## Vehicle Pursuit Policy

### 314.1 PROTOCOL STATEMENT

The purpose of this protocol is to provide police officers specific guidelines for conducting vehicular pursuits with the highest consideration for public safety and in keeping with Section 17004.7(c) of the California Vehicle Code. This protocol does not supersede agency specific policy.

### 314.2 BACKGROUND

- A. A police vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the entity may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution.
- B. When engaged in a pursuit, officers should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the pursuit is continued. Frequently, discontinuance of a pursuit in the interest of public safety is most appropriate.
- C. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.
- D. In a pursuit, the violator frequently refuses to give up and the officer feels an obligation to succeed in the pursuit. This psychological phenomenon can cloud one's judgment and may cause the officer to continue the pursuit beyond the point where common sense and good judgment would require the pursuit to be discontinued.
- E. The Law Enforcement Assistance Network (LEAN) Mutual Aid Radio Communications Protocol is a document describing procedures and channels/frequencies that should be utilized during a pursuit. The LEAN Mutual Aid Radio Communications Protocol is an addendum to this pursuit protocol.

### 314.3 DEFINITION

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

### 314.4 LEGAL REQUIREMENTS

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

A. A public entity is liable for death, injury, or damage proximately caused by negligent or wrongful act or omission in operation of a motor vehicle by an employee acting within the scope of employment.(17001 CVC)

B. A public entity is liable for death or injury to person or property to the same extent as a private person. (17002 CVC)

C. A public employee is not liable for civil damages resulting from the operation, in the line of duty of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (17004 CVC)

D. A public agency is immune from liability from injury, death, or damage caused by the collision of a vehicle being operated by an actual or suspected law violator being pursued by peace officers, employed by a public entity if the agency adopts a written policy on vehicle pursuits that meets listed minimum standards. (17004.7(c) CVC)

E. The driver of an authorized emergency vehicle is exempt from the rules of the road" provided that the red light and siren (defined as "yelp" or "wail" only) of the vehicle are activated. (21055 CVC)

F. The "rules of the road" exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him/her from the consequences of an arbitrary exercise of the privileges granted in that section.(21056 CVC)

G. Upon the approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, the surrounding traffic shall yield to the emergency vehicle. (21806 CVC)

H. The provisions of Section 21806 shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with DUE REGARD FOR SAFETY of all persons and property.The officer should not assume that the right-of- way will be yielded.(21807 CVC).

### **314.5 PROCEDURE**

#### A. Authorization

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Vehicle Pursuit Policy

---

1. A pursuit may be initiated, after considering department policy and public safety factors, when in the officer/deputy's judgment an individual clearly exhibits the intention of avoiding police contact or arrest by using a vehicle to flee; and the officer/deputy has reasonable suspicion that the individual they are attempting to stop or arrest has committed, is about to commit, or is threatening to commit a crime; and/or the officer/deputy has reason to believe and fears that the driving ability of the individual is so impaired or reckless without regard to the safety of others as to cause actual or potential death or serious injury to themselves or another person.

#### B. Initiating a Pursuit

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

#### C. Continuation of a Pursuit

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Vehicle Pursuit Policy

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### D. Discontinuance of a Pursuit

1. Absolutes for discontinuing a pursuit:
  - (a) Approaching the International Border (see section 314.14).
  - (b) Directed to do so by a supervisor.
  - (c) The danger posed to the officer, the suspect, or the community by continued pursuit is greater than the value of apprehending the suspect(s).
2. Factors to consider in determining whether a pursuit should be discontinued are the same factors used in pursuit initiation, plus:
  - (a) Wrong side of divided highway against oncoming traffic (generally prohibited).
  - (b) Proximity to the pursued vehicle/location of the pursued vehicle is no longer known.
  - (c) Identification of suspects; able to apprehend at a later time.
  - (d) Presence of aerial support
3. Officers shall not pursue in opposing lanes of traffic on any freeway or divided highway separated by a raised island and/or center divider. Officers may use discretion on surface streets where it is necessary to utilize a two-way left turn lane, center median, non-raised divider, or opposing lanes of traffic when necessary to move through congested traffic, as long as such operation is conducted with due regard for the safety of all persons using the highway (per 21056 CVC).

### 314.6 PURSUING OFFICER'S RESPONSIBILITIES

- (a) Each officer has the responsibility for safely pursuing the suspect and discontinuing the pursuit when the conditions do not support pursuit driving. Generally, absent department-specific policies, pursuits should be limited to three (3) pursuit units and one (1) supervisor if available. If a K-9 unit is available, one (1) K-9 unit can also assist in the pursuit to be used as a possible suspect apprehension resource at the conclusion of the pursuit

Note: "Unit" generally refers to one pursuit vehicle occupied by one officer/deputy. If there are units involved in a pursuit that are two (2) officer/deputy units, then less vehicles can be involved in the pursuit as long as sufficient personnel are present to safely take suspects into custody at the conclusion of the pursuit as described in section 314.7. Each pursuing officer shall activate all

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

emergency lights, to include the solid red light and sound the siren continuously when involved in a pursuit.

#### B. Primary Pursuit Unit

##### 1. Definition

- (a) The Primary Pursuit Unit is generally the vehicle closest to the suspect vehicle.
- (b) The Primary Pursuit Unit should remain so until the status is relinquished to another unit either by the Primary Pursuit Unit or as directed by a supervisor.

##### 2. Responsibilities

- (a) Upon initiating a pursuit, the Primary Pursuit Unit shall immediately notify the Communications Center that a pursuit is in progress, giving:
  - (a) Location
  - (b) Direction speed of travel
  - (c) Reason for pursuit
  - (d) Description and license plate number (if available) of the suspect vehicle.
  - (e) Number of occupants (If known).
  - (f) Identity of occupants (If known).
  - (g) Any other factors necessary to ensure safe and effective pursuit tactics.
- (b) During a pursuit, the Primary Pursuit Unit shall continually provide Dispatch with all the changes to the above, and any other pertinent information until the Secondary Unit takes over "calling the pursuit."

#### C. Secondary Unit

##### 1. Definition

- (a) The Secondary Unit is the unit responsible for backup and immediate cover for the Primary Pursuit Unit.

##### 2. Responsibilities

- (a) The Secondary Unit, if no assigned, shall notify the Communication Center immediately.
- (b) The Secondary Unit shall be prepared to take over primary responsibilities for the pursuit if the Primary Pursuit Unit becomes disabled or if requested to do so by the Primary Pursuit Unit.
- (c) The Secondary Unit involved in a pursuit, under most circumstances, should take over radio communication or "calling of the pursuit."
- (d) Provide all changes to information about eh pursuit and any additional information available.

#### D. Assisting Units

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

1. Units, in addition to those noted in Section 314.6A (three (3) units, one (1) supervisor if available and one (1) K-9 officer, if available). require the approval of the pursuit supervisor.
2. All units that enter the pursuit shall notify the Communication Center immediately.

#### E. Driving Tactics

1. 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:
    - (a) Pursuing units should exercise due caution when proceeding through controlled intersections, clearing them lane-by-lane, this includes units entering the intersection on a green light.
2. Officers should be aware of the speed they are traveling and adjust or terminate if speeds become unsafe. Some considerations include, but are not limited to:
  - (a) Road Conditions.
  - (b) Type of driving maneuvers.
  - (c) Driving limitations.
  - (d) Vehicle limitations.
  - (e) Weather conditions.
  - (f) Closure Rate- Being able to judge the proper rate of deceleration necessary to negotiate a curve, avoid a hazard, or stop.
3. As a general rule (generally prohibited), officers should not pursue a vehicle driving left of center (wrong way) on a divided highway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - (a) Requesting assistance from an air unit.
  - (b) Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - (c) Requesting other units to observe exits available to the suspects.
4. 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 Pursuit Unit.

#### **314.7 ADDITIONAL UNITS**

##### A. Officers in all other units shall:

1. Remain alert to the pursuit progress and location.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

2. Stay of of the pursuit, unless specifically requested to join the Primary Pursuit Unit or supervisor.
3. Minimize radio transmissions on the frequency being used for the pursuit;
4. Move to an alternate channel/frequency as directed.

#### **314.8 SUPERVISORY RESPONSIBILITIES**

Upon notification of a pursuit in progress, the field supervisor and/or Watch Commander assumes the responsibility to monitor and take appropriate action for pursuit control.

- A. All sworn supervisors and the Watch Commander have the authority to order the discontinuation of a pursuit when, in their judgment, the potential safety risks outweigh the need for apprehension.
- B. The supervisor shall ensure that no more units than necessary are involved. The units outlined in section 314.6 are generally sufficient for the actual pursuit and for the safe apprehension of suspects at the conclusion of the pursuit. Additional units may be added for safety and security, with the supervisor's approval. If involved in the pursuit, supervisors should try and maintain a rear position in the pursuit in order to monitor the number of units involved in the pursuit and be aware of overall pursuit management considerations.
- C. The supervisor shall consider the following in deciding to add units.
  1. The type of vehicle being pursued.
  2. The seriousness of the offense.
  3. The number of occupants in the vehicle being pursued.
  4. The danger that the occupants of the vehicle being pursued pose to others.
- D. If additional units are added to the pursuit other than those outlined in Section 314.6 A, the supervisor shall, as soon as reasonably possible, direct the additional units to discontinue the pursuit.
- E. The supervisor shall make continual assessment during the progress of a pursuit. Factors to be considered include, but are not limited to: weather, vehicle and pedestrian traffic levels, roadway and environmental conditions, safety of occupants in suspect vehicle, the suspect has been identified to the point that later apprehension can be accomplished, and pursuit speed considerations.
- F. The supervisor shall ensure that affected allied agencies are notified of the pursuit and specific assistance requested, including canine and air support.
- G. The supervisor or designee shall, as necessary, contact pursuing officers at the location of the pursuit termination to provide on-scene supervision, coordination, and evaluation.
- H. The supervisor shall ensure vehicle pursuits are reported to the California Highway Patrol on an approved form (CHP 187A), as mandated by Section 14602.1 of the California Vehicle Code. Each pursuit shall be evaluated for compliance with all codes and policies and appropriate action initiated.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

#### **314.9 COMMUNICATIONS CENTER RESPONSIBILITIES**

A. Upon being notified that a pursuit is in progress, the Communication Center shall:

1. Ensure that a Supervisor is assigned to the pursuit;
2. Notify appropriate law enforcement agencies of the pursuit, specify if assistance is needed, and the specific support requested.

B. During the pursuit, the Communication Center shall:

1. Monitor all radio traffic concerning the pursuit;
2. Move all other radio traffic to an alternative channel/frequency, if necessary;
3. If a K9 Unit is involved in the pursuit, the Communications Center shall broadcast that information for officer safety purposes;
4. Ensure that the proper channels/frequencies are utilized in compliance with the Law Enforcement Assistance Network (LEAN) protocols. Those dispatch centers unable to fully comply with the LEAN protocols due to equipment limitations may disregard those protocols with which they are unable to comply.

#### **314.10 MOTORCYCLE UNITS**

A. Relinquish the primary position to the first marked four-wheel vehicle.

B. Disengage the secondary position when the second marked four-wheel vehicle joins the pursuit.

#### **314.11 UNMARKED UNITS**

A. Unmarked units, without emergency equipment, shall not join in a pursuit.

B. Officers in unmarked vehicles may become involved in emergency activities involving serious crimes or life endangering situations. In those instances, it may be necessary to follow a suspect vehicle while summoning assistance from a marked vehicle with emergency equipment.

C. When officers in an unmarked vehicle become aware that sufficient marked units have arrived, the unmarked unit will disengage.

#### **314.12 AIR SUPPORT**

A. Units involved in pursuits should request air support assistance.

B. Air support can provide valuable information to ground units concerning upcoming traffic congestion, hazards, or other factors which might endanger the safety of the officer(s) or the public.

C. Air support shall include coordinating the activities of resources on the ground, reporting on the progress of a pursuit, and providing peace officers and supervisors with information to evaluate whether or not to continue the pursuit.

D. Once air support is in position, the supervisor, in the interest of safety, shall evaluate the tactical involvement of pursuing units. In some cases, it may be prudent to discontinue the pursuing units and track the suspect vehicle with air support until the vehicle goes stationary. Once the suspect vehicle has

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

discontinued fleeing, air support can direct pursuing units into positions to establish a perimeter and assist with the apprehension of outstanding suspects on foot.

#### **314.13 PURSUITS APPROACHING OR ENTERING NEIGHBORING COUNTIES**

A. When a pursuit approaches the jurisdictional boundary of a county neighboring San Diego County, the pursuing agency should advise the CHP or the Sheriffs Department of the neighboring county prior to entering the jurisdiction

B. When entering a neighboring county's jurisdiction, if practical and/or possible, it is recommended that the CHP or the Sheriffs Department for the neighboring county be requested to assume the pursuit.

C. When transitioning into a neighboring county's jurisdiction, units involved in the pursuit should expect to lose radio communications with the communications center in San Diego County managing the pursuit. Units involved in the pursuit should consider switching to a common law enforcement mutual aid frequency (e.g., CALAW8, CALAW1, and VLAW31) to communicate and coordinate with agencies in the neighboring county.

1. Imperial County uses the Regional Communication System as its primary radio communications system. For pursuits transitioning from San Diego County to Imperial County, San Diego County agencies can continue communicating on the San Diego County law enforcement mutual aid channel BLUE1.

D. If an agency in the neighboring county has been requested to assume the pursuit, the officer with initial probable cause and/or that officer's supervisor should trail the pursuit at a reduced speed.

#### **314.14 PURSUITS APPROACHING THE INTERNATIONAL BORDER**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 
- 

D. In those pursuits where the fleeing vehicle is wanted for violent and/or atrocious felonies, involved agencies shall use mutually agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the international border.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

E. In order to give warning to Mexican authorities and to provide them an increased degree of safety, US Customs and Border Protection and the San Diego Police Department will be advised by the involved agency of any pursuit heading southbound, south of Interstate 8. The initiating agency will advise the Mexican authorities. This shall occur whether or not the pursuit is discontinued. Every effort should be made to update US Customs and Border Protection and the San Diego Police Department when a pursuit is terminated prior to crossing the International Border.

F. In the event the pursuit is terminated prior to the International Border, Mexican authorities shall be advised by the initiating agency.

#### **314.15 USE OF FIREARMS**

A. Shooting at or from a moving vehicle is prohibited, except when immediately necessary to protect anyone from death or serious bodily injury

#### **314.16 PURSUIT INTERVENTION TECHNIQUES**

A. A forcible stop is defined as one in which a vehicle or other object is used to physically stop or otherwise alter the course of another vehicle's movement. These tactics include but are not limited to: ramming of vehicles, Pursuit Immobilization Technique (PIT), boxing, blocking, channelization, barricades, road blocks, or placing of objects in the path of the vehicle, and depending on the circumstances of the pursuit may be considered a force likely to result in death or great bodily harm.

B. These tactics shall only be used when the involved officer's agency policy permits their use and then only when the suspect's actions constitute an immediate and life threatening danger to the public.

C. If barricading is deemed absolutely necessary, a supervisor may approve the use of police vehicles if no other suitable equipment is available. In no case will roadways be barricaded by occupied vehicles.

#### **314.17 PURSUIT CONCLUSION APPREHENSION TACTICS**

A. Pursuits are inherently dangerous for officers and the public. In order to ensure officer safety and public safety and help ensure an appropriate outcome, high-risk vehicle stop tactics (as outlined by P.O.S.T. guidelines and taught by law enforcement academies and agency-specific training) should be utilized at the end of most vehicle pursuits.

B. The recommended number of minimum personnel required to properly conduct a high-risk vehicle stop is three: a contact officer, cover officer and coordinating officer. Having sufficient personnel for a high-risk vehicle stop involved in the pursuit will allow for a safe and smooth transition from the actual pursuit into the high-risk vehicle stop tactic in an effort to safely arrest or detain the occupants of the pursued vehicle, while also maximizing officer and public safety.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

#### **314.18 INTER-AGENCY PURSUITS**

The guidelines formulated for inter-agency pursuits are designed to provide for the safe coordination of pursuits involving more than one agency. Agencies requested to assist, or receive the transfer of, a pursuit from another agency will continue to balance the interests of public safety in determining whether or not to provide the requested assistance or receive the transfer.

##### A. Notification

1. When a pursuit is approaching or entering another jurisdiction, the agency with primary responsibility for the pursuit shall notify the appropriate agency for that jurisdiction. This shall be accomplished utilizing one of the various radio talk groups as defined by LEAN protocols (*LE NCMD, LE SCMD, LE ECMD, BLUE1*).
2. *At the first practical moment, the controlling agency will patch and announce the pursuit over the appropriate radio talk group (LE NCMD, LE SCMD, LE ECMD, BLUE1). This announcement shall be as follows (or verbiage with the same meaning):*
  - (a) "This is (*agency*) on (*talk group*) patching a pursuit that is (*location*).
    1. This notification will not be construed as a request for assistance. The purpose of this announcement is to notify allied agencies of the pursuit so that they may monitor its progress.
  - (b) "At this time, (*agency*) is not (*or, is*) requesting assistance."
    1. If a request for assistance is broadcast, the originating agency should attempt to be specific as to the type of assistance required (i.e. the involvement of a K9 unit, deployment of spike strips).
  - (c) If a transfer of the pursuit is to be requested, the originating agency shall broadcast: "This is (*originating agency*) to (*transferring agency*). We are requesting that you take over the pursuit."
3. When the initial broadcast is made, the Communications Center will transmit to allied agencies the following information:
  - (a) Direction of travel, location, and speed;
  - (b) Vehicle and suspect description;
  - (c) Officer safety considerations;
  - (d) Type of crime;
  - (e) Number of occupants;
  - (f) Number of units involved;
  - (g) Unit designator of the Pursuit Supervisor
  - (h) Radio frequency(s) being used;
  - (i) Air support being used/or requested;
  - (j) Unit designator of officer(s) involved

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

4. The Primary Pursuit Unit, or Pursuit Supervisor, should specify if assistance is needed and the type of assistance requested.
  5. The allied agency(s) will assist the initiating agency only by specific request and will provide only the specific services requested
  6. On all requests for assistance or transfer, the agency receiving the request shall identify the supervisor accepting or declining the request.
- B. Communication
1. Communication operators should clarify any requests for assistance with the requesting agency and obtain pertinent information as previously listed.
  2. Communications shall notify a sworn supervisor of the request and receive direction for the degree of involvement provided to the requesting agency.
  3. In addition to a formal request by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests.
    - (a) If officers respond to these types of requests, the officer shall immediately notify Communications and the supervisor.
  4. During pursuits involving allied agencies, communication centers shall provide coordination between pursuing units and allied agencies including:
    - (a) Continuously monitor progress of the pursuit, transmitting pertinent information and updates;
    - (b) Coordinate radio communication on the appropriate mutual aid frequency in compliance with the LEAN Mutual Aid Communications protocols.
    - (c) Relay information via telephone if radio communications from car to car fail.
- C. Procedures
1. Units shall not join in an active pursuit unless specifically requested and then only with the approval of a supervisor or as authorized by Communications.
  2. Once a pursuit has been initiated, the initiating agency will generally retain jurisdiction and control of the pursuit, even when the pursuit enters another jurisdiction.
  3. When entering another law enforcement jurisdiction (including military installations), the pursuit shall be discontinued immediately when a supervisor of that agency recognizes a condition that constitutes an immediate and life threatening danger to the officers or public and orders discontinuance.
  4. The California Highway Patrol (CHP) may respond to a specific request for assistance on pursuits conducted on the freeway system. Once in place, the CHP will assume control of the pursuit until they relinquish it. When CHP has control of the pursuit, all other units not needed will discontinue their involvement.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Vehicle Pursuit Policy

---

5. When entering another agency's jurisdiction, the primary pursuing unit or the Pursuit Supervisor should determine if the allied agency should be requested to assume the pursuit.
6. An allied agency, which accepts responsibility for the pursuit, may elect to proceed with or discontinue the pursuit.
7. The officer with initial probable cause and/or that officer's supervisor should trail the pursuit obeying all rules of the road.
8. Pursuits should be managed by one Communications Center only. That Communications Center should create the appropriate radio patches with mutual aid channels/frequencies (in compliance with the LEAN protocols) to allow allied agencies to assist as requested, or monitor for their safety.
9. Allied agencies' units involved in the pursuit should switch to the appropriate mutual aid channel and should communicate with the managing Communications Center, in compliance with the LEAN protocols.

#### D. Military Police Pursuits On/Off Military Installations

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Vehicle Pursuit Policy

---



#### E. Transfer

1. There is no legal requirement for an agency to assume a pursuit. A supervisor may determine it is in the best interest of public safety and/or the agency to refuse acceptance. Once responsibility is assumed, the pursuit may be discontinued by the assuming agency at any time.
2. The supervisor of the assuming agency should notify the initiating agency in the most expedient fashion that control has been assumed.
3. Responsibility for a pursuit transfers when:
  - (a) The pursuing agency requests the transfer, and
  - (b) a supervisor of the assuming agency agrees to accept the pursuit, and
  - (c) A unit of the assuming agency becomes the Primary Pursuit Unit.
4. An agency accepting transfer and assuming the Primary Pursuit Unit position should have sufficient resources to control the pursuit.

#### F. End of Pursuit

1. Responsibilities at the termination of the pursuit:
  - (a) Notify all involved agencies that the pursuit has ended, its location, and supervisor to contact.
  - (b) Provide a supervisor at the location(s) where the pursuit ends for coordination with other agencies.
2. Responsibilities of Other Involved Agencies
  - (a) The agency of the officer who initiated the pursuit shall ensure that the officer with probable cause (or that officer's supervisor) contacts the stopping agency's supervisor to provide assistance.
  - (b) All agencies with information, witnesses, or criminal charges related to the pursuit shall contact the stopping agency.
  - (c) All agencies involved in the pursuit shall provide supplementary reports as requested by the stopping agency (or booking agency, if different)
3. Prisoner Processing
  - (a) The suspect(s) from the pursuit shall be turned over to the custody of the agency, which has the most significant charges.
  - (b) Absent more significant charges by another agency, custody and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Pursuit Policy*

---

- (c) The agency assuming custody shall be responsible for processing, booking and all related reports.
  - (d) Arrests made on military installations require local law enforcement agencies to liaison with military and federal law enforcement in order to transfer custody of an arrestee from federal custody
4. Traffic Collision Investigation
- (a) The investigation of a traffic collision resulting from the pursuit shall be the responsibility of the agency within whose jurisdiction the collision occurred.
  - (b) The agency with jurisdiction over the collision scene will be the only agency to file the official collision report of record with the State of California. Involved agencies may conduct a concurrent, administrative investigation, as needed, to meet agency specific needs for internal review.
5. Crime Report Responsibility
- (a) Unless otherwise agreed to by the participating agencies, it shall be presumed that the agency with jurisdiction is responsible for the completion of a crime report associated with the pursuit.

#### **314.19 PURSUIT REPORT REQUIREMENTS**

A. California Vehicle Code Section 14602.1 requires that all police pursuits be reported on the California Highway Patrol Pursuit Report (CHP 18 7 A ). The form shall be prepared on pursuits initiated or assumed by officers of each involved department.

B. The Field Supervisor shall include a factual evaluation concerning compliance with the Department's pursuit policy. Violations shall be identified and listed in the report narrative.

C. It is recommended that Department pursuits be analyzed. The purpose is to identify specific problem areas which include, but are not limited to the following items:

- 1. Pursuit-related collisions;
- 2. Policy violations;
- 3. Training needs;
- 4. Equipment issues;
- 5. Officer safety concerns/tactical methodology;
- 6. Policy or legislative concerns.

D. All Agencies shall comply with the requirements of SB 719.

#### **314.20 COUNTY WIDE PURSUIT PROTOCOL EVALUATION COMMITTEE**

A. Representation - Each participating agency will identify or select a representative from their agency to participate as a committee member to evaluate the protocol.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Vehicle Pursuit Policy*

---

B. Annual Evaluation -An annual evaluation will take place no later than July 30th or as needed. In addition to the annual review, the hosting agency for the following year will be established.

C. The head of any participating agency may request the Pursuit Protocol Evaluation Committee to convene at any time after a pursuit to evaluate the protocol effectiveness .

---

## 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 Communications Center.

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

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

#### 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 when practical shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer Response to Calls*

---

Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

#### **316.5 RESPONSIBILITIES OF RESPONDING OFFICERS**

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

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

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

#### **316.6 COMMUNICATIONS RESPONSIBILITIES**

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

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

#### **316.7 SUPERVISORY RESPONSIBILITIES**

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

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Officer Response to Calls*

---

- (c) Affected outside jurisdictions are being notified as practical

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

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

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

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

#### **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 Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

## Canines

### 318.1 PURPOSE AND SCOPE

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

### 318.2 GUIDELINES FOR THE USE OF CANINES

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

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

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

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

#### 318.2.1 PREPARATION FOR UTILIZING A CANINE

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Canines

---

- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (g) If the individual appears to be pregnant.

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 and cooperate, 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 GUIDELINES FOR NON-APPREHENSION USE

[REDACTED]

- [REDACTED]

## Canines

---



- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

### 318.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor and the Canine Unit Supervisor shall be promptly notified and the injuries documented in a Canine Use Report Form. 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, not on a Canine Use Report Form.

### 318.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander and the Canine Unit Supervisor

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 on a Canine Use Report Form.

### 318.2.7 ASSIGNMENT OF CANINES

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

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

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

## 318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Division shall go through the Canine Unit Supervisor or the Watch Commander.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Canines*

---

#### 318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

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

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

#### 318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

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

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

#### 318.4 SELECTION OF CANINE HANDLERS

Refer to policy 1004.2.1 for required qualifications:

#### 318.5 CANINE HANDLER RESPONSIBILITIES

##### 318.5.1 AVAILABILITY

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

##### 318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

- (a) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a secure fashion
- (b) Handlers shall permit the Canine Unit Supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Canines

---

- (c) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Canine Unit Supervisor as soon as possible
- (d) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers
- (e) 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
- (f) Under no circumstances will the canine be lodged at another location unless approved by the Canine Unit Supervisor or Watch Commander
- (g) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Unit Supervisor or Watch Commander
- (h) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Unit Supervisor so that appropriate arrangements can be made

#### 318.5.3 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.

#### 318.5.4 HANDLER COMPENSATION

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

#### 318.6 APPREHENSION GUIDELINES

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Canines

---

- (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 Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine 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.

#### 318.6.1 NON-EMERGENCY MEDICAL CARE

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

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

All records of medical treatment shall be maintained by the canine handler.

#### 318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Canine Unit 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.

#### 318.7 NON-APPREHENSION GUIDELINES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Canines

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current POST guidelines and the California Narcotic Canine Association or other recognized and approved certification standards on a minimum of once a year.. 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.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Canine 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 Carlsbad Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Canine Unit Supervisor or Watch Commander.

### 318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards 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.

### 318.7.3 TRAINING RECORDS

All canine training records shall be maintained by the Canine Unit Supervisor in the canine files.

## 318.8 CANINE UNIT SUPERVISOR RESPONSIBILITIES

The Canine Unit Supervisor shall be appointed by staff and shall supervise the Canine Program. The Canine Unit Supervisor is directly responsible to the Canine Manager. The Canine Unit Supervisor shall be responsible for, but not limited to, the following:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Canines

---

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

#### **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

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

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

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

##### **318.9.1 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 Carlsbad Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Canines

---

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 bi-annually. The results of the quarterly testing shall be recorded and maintained by the Canine Unit Supervisor with a copy forwarded to the dispensing agency
- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure
- (f) The Canine Unit 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 Property and Evidence Section or to the dispensing agency
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency

#### 318.9.2 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)).

#### 318.10 POLICE CANINE COMPETITIONS

**Purpose:** The purpose of this protocol is to assure consistent expectations in the ability to participate in police canine competitions.

**Protocol:** The Carlsbad Police Department will make every effort to allow our K-9 Teams to compete in police canine competitions. In doing so we will respond as follows:

a. San Diego County Competitions:

The department will attempt to accommodate as many K-9 teams that want to compete.

b. Competitions in Southern California:

For the purposes of this policy, Southern California will be described as the counties of Ventura, Los Angeles, San Bernardino, Riverside, Orange, and Imperial. The department will attempt to

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Canines*

---

accommodate a minimum of two teams (Ofc +K9 = a team). Officers will be expected to drive to and from the competition on the date of the event. The department will attempt to allow K-9 teams to compete in competitions in Southern California when staffing and budget allow.

c. Competitions outside of Southern California:

The department will attempt to allow K-9 teams to compete in competitions outside of Southern California when staffing and budget allow.

Compensation:

Officers will not be paid overtime for attending a competition. "Flex-time" will be allowed whenever reasonably possible. If an officer is on a regularly scheduled work day, they may attend the event, with supervisor approval, in lieu of their assigned duties.

#### **318.11 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 California Narcotic Canine Association or other recognized and approved certification standards.

The Unit Coordinator 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.

#### **318.12 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

## 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

In August, 1990, the San Diego Police Chiefs and Sheriff's Association voted unanimously to endorse the first San Diego Law Enforcement Protocol. The protocol was prepared in consultation with and in cooperation with domestic violence agencies across the county (Penal Code section 13701(b)). In 1998, the Law Enforcement Committee of the San Diego Domestic Violence Council updated the protocol. Seventyfive agencies countywide were part of the process. In 2007, a multi-agency committee revised and updated the protocol to reflect changes in the law and specifically address topics such as removal of firearms from batterers' hands, as well as the protection of children exposed to Domestic Violence.

#### 320.1.2 POLICY STATEMENT

All law enforcement agencies will respond to acts of Domestic Violence as a crime.

Victims of Domestic Violence will be treated with respect and dignity and will be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence, regardless of their sexual orientation, gender, age, or immigration status.

The decision to prosecute a batterer lies within the discretion of the District Attorney and the City Attorney. Victims do not "press charges", "drop charges" or "prosecute" their batterers.

Law enforcement shall encourage the arrest of Domestic Violence offenders if there is probable cause that an offense has been committed.

Law enforcement shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order<sup>1</sup> has been violated.

When possible and legally reasonable, law enforcement should remove firearms from the scene of Domestic Violence incidents.

When reasonably possible, prosecutors should notify the court when Domestic Violence defendants have registered firearms.

Children Exposed to Domestic Violence should be considered as separate victims in Domestic Violence incidents.

Training will be provided regularly to enhance law enforcement's response to Domestic Violence and children exposed to Domestic Violence.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

1 Includes Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law restraining orders, and Criminal Protective Orders.

#### 320.1.3 IMPORTANT DEFINITIONS

**DOMESTIC VIOLENCE** means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, current or former dating or engagement relationship, or person with whom the suspect has had a child or is having or has had dating or engagement relationship (Penal Code section 13700 (a)).

**ABUSE** means intentionally or recklessly causing, or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury himself, herself, or another (Penal Code section 13700(a)).

**ABUSE + RELATIONSHIP = "DOMESTIC VIOLENCE INCIDENT"**

Any crime can be considered a "Domestic Violence Crime," as long as the victim meets the relationship definition in PC 13700. For instance, if a boyfriend vandalizes his girlfriend's car, this would be considered a "Domestic Violence" incident.

**COHABITANT** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship (Penal Code section 13700(b)).

**DATING RELATIONSHIP** means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations. (PC 243(f)(10); FC 6210). Casual, one-time dates or first-time encounters would not be considered "dating," and therefore not "Domestic Violence."

**DOMESTIC VIOLENCE RESTRAINING ORDERS/PROTECTIVE ORDERS** are essentially court orders enjoining one person from contacting another. The most common are Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law Restraining Orders, and Criminal Protective Orders. (Family Code sections 2040, 6200, 6241, 7700, and Penal Code section 136.2) See section 8.

**STALKING** is willful, malicious, and repeated following, or willful and malicious harassment with a credible threat to place that person in reasonable fear for his or her safety or the safety of his or her immediate family (PC 646.9). Recognizing the Domestic Violence Stalking case is discussed in Section 6.

**DOMINANT AGGRESSOR** is the person who is the most significant, rather than the first, aggressor. Determining the dominant aggressor is discussed in Section 3.

**DUAL ARREST** is the arrest of both parties during a domestic violence incident. Dual arrests are discouraged and discussed in Section 3.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

ABUSE + RELATIONSHIP = "DOMESTIC VIOLENCE INCIDENT" Any crime can be considered a "Domestic Violence Crime," as long as the victim meets the relationship definition in PC 13700. For instance, if a boyfriend vandalizes his girlfriend's car, this would be considered a "Domestic Violence" incident.

#### 320.1.4 911 OPERATOR / DISPATCHER RESPONSE

I. Call takers who receive Domestic Violence calls shall dispatch officers to the scene. (Penal Code section 13702). Telephone reports are generally prohibited.

II. When speaking to a victim of Domestic Violence, dispatcher(s) or 911 operators will not discuss the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate.

III. During the initial call for assistance, the call taker should ask these questions (not necessarily in this order) and encourage the victim to continue talking:

A. Where is the emergency? What address? What apartment number?

B. What has happened?

C. With whom am I speaking?

D. Are you the victim? If no, are you a witness?

E. Has anyone been injured? Is an ambulance needed? What are the injuries?

F. Who is the suspect? How do you know? Are you in a relationship with that person?

G. Describe the suspect.

H. Is the suspect present?

I. If the suspect is not present, do you know where he/she may be? If so, where, specifically in the residence? In the bedroom, living room, etc. If so, what is he doing right now? Direction of travel? If vehicles involved, type of vehicle?

J. Are weapons involved? If yes, what kind? Where are they located? Have you been threatened by the weapon today or in the past? How was the weapon used?

K. Is the suspect under the influence of drugs or alcohol? If yes, what substance?

L. Are children present? How old? Where are they now?

M. Have the police been to the address before? If yes, how many times?

N. Do you have a protective order?

IV. The safety of Domestic Violence victims, whether the threat of violence is immediate or remote, should be the primary concern of 911 operators. 911 operators shall advise the victim to ensure his/her safety including, but not limited to, waiting for officers at a friend's home or simply leaving the residence.

## *Domestic Violence*

---

V. Calls reporting threatened, imminent, or ongoing Domestic Violence and the violation of any Domestic Violence restraining order or protective order shall be ranked among the highest priority calls.

**DISPATCHER PRACTICE TIP: RESTRAINING ORDERS** Only a court can change the status of a restraining order. The victim's wishes, desires, or behaviors cannot (Penal Code section 13710(b)). This means that a restrained party is still in violation of a restraining order even if he/she invited the protected party's contact.

### **320.2 POLICY**

#### **I. DUTIES**

A. **General Pro-arrest Policy:** A pro-arrest policy will be implemented by all departments if there is probable cause that a Domestic Violence offense has been committed (Penal Code Section 13701(b).)

B. **Felony Arrests:** If a peace officer has probable cause to believe that a felony has occurred, an arrest shall be made, absent unusual circumstances.

C. **Misdemeanor Arrests in peace officer's presence:** If there is probable cause to believe that a misdemeanor offense has been committed in that officer's presence an arrest should be made.

D. **Misdemeanor committed outside a peace officer's presence:** If a person commits an assault or battery upon his or her spouse, former spouse, former cohabitant, current or former dating or engagement relationship or upon the parent of his or her child, a peace officer may arrest the person without a warrant where both of the following circumstances apply:

1. The officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
2. The officer makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed. (Pen. Code, § 836(d).)

**MANDATORY ARREST: VIOLATIONS OF VALID DOMESTIC VIOLENCE RESTRAINING ORDERS/PROTECTIVE ORDERS:** Law enforcement shall arrest with or without a warrant, even if the violation occurred outside the peace officer's presence (PC 836(c)(1)). See section 8.

E. **Private Person's Arrest:** If no arrest is made, an officer shall make a good faith effort to inform the complainant of his or her right to make a citizen's arrest (PC 836 (b)).

F. **Cite and Release Discouraged in Domestic Violence Cases:** Citing and releasing a Domestic Violence suspect is discouraged because of our County's philosophy that Domestic Violence is a criminal violation that should be treated as a safety issue for victims and for the community.

G. **Determining the Dominant Aggressor:** Per Penal Code 13701, the officer shall make a reasonable effort to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than

## *Domestic Violence*

---

the first aggressor. In determining whether a person is the dominant aggressor, the officer shall consider the following:

1. The intent of the law to protect DV victims.
2. Any threat "real or implied" which instill fear of physical violence by one partner toward another.
3. Any history of violence between the partners.
4. If either partner acted in self-defense.

Other factors law enforcement personnel should consider:

1. Height/weight of the parties.
2. Criminal history.
3. Level of violence.
4. Presence of fear.
5. Existing court orders.
6. Corroborating witnesses.
7. Demeanor of parties.
8. Use of alcohol/drugs.
9. Offensive/defensive injuries (are the injuries consistent with explanation?).
10. Who was the 911 reporting party?

H. Dual Arrests Discouraged: Dual arrests are discouraged, but are not prohibited per Penal Code section 13701. It is the duty of law enforcement personnel to identify and arrest only the dominant aggressor. (See above) It is the purpose of this county-wide protocol to encourage all agencies to adhere to the intent of this mandate and refrain from making dual/mutual arrests. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.

I. Use of PC 13730 reports: When no arrest is made law enforcement should consider taking a PC 13730 report.

## II. WHAT TO DO AT THE DOMESTIC VIOLENCE SCENE

### A. ARRIVAL AT SCENE

1. Determine location and condition of victim(s).
2. Determine if suspect is still at scene.
3. Determine if any weapon is involved.
4. Summon ambulance if injuries require.
5. Separate the victim, suspect and witnesses.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

6. Prevent communication between the parties. This includes removing victim and witnesses from suspect's line of sight and range of hearing. Re-ask about weapons once the parties are separated.
7. Determine what, if any, crime has occurred.
8. If a sexual assault is reported, follow the procedures set forth in section 5.
9. If children are present, follow the procedures set forth in section 7.

#### B. INTERVIEW ALL PARTIES

Interview victim and witnesses separately, including any children who may have witnessed the incident or any prior incidents. Do not ask the victim whether he/she wishes to press charges. The decision to prosecute is made by the District Attorney or the City Attorney. The victim and suspect should be advised that he/she has no control over the decision to prosecute.

##### 1. VICTIM: Note and document the following:

###### a. The victim's physical condition, including

(1) any injuries describe in detail Determine if medical treatment is necessary and seek appropriate care

(2) torn clothing

(3) smeared makeup

###### b. The victim's emotional condition

###### c. Any evidence of substance/chemical abuse by victim

###### d. Determine victim's relationship to suspect

###### e. Record any spontaneous statements of the victim

###### f. Obtain emergency contacts, telephone numbers, and pager numbers for the victim

###### g. Note any statements made by suspect to victim during incident.

h. Ask the victim if she/he wants to be notified when the suspect is released from jail. (The Deputy/Officer can then make this request to the jail staff on behalf of the victim at the time of booking.)

i. Note any prior history of abuse. Document these incidents in detail. (Evidence Code section 1109.)

##### 2. WITNESSES:

a. Interview all witnesses separately and record names, addresses, phone numbers and emergency contacts.

b. List the names and ages of children present.

c. Interview all children pursuant to this protocol. See section 7.

d. Record names and addresses of emergency personnel.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

- e. Interview neighbors (ear-witnesses).
- f. Determine from witnesses if they are aware of a history of abuse. (Evidence Code section 1109.)

#### 3. SUSPECT:

- a. Describe suspect's location on arrival.
- b. Describe suspect's physical condition.
- c. Describe suspect's emotional condition.
- d. Document evidence of substance/chemical abuse by suspect, conduct examination and add charge if appropriate.
- e. Record spontaneous statements.
- f. Document, describe and photograph any injuries.
- g. Inform suspect that abuse is a crime and obtain waiver.
- h. Interview suspect.

#### 6 4. EVIDENCE

- a. Describe crime scene. Note signs indicating struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
- b. Photograph crime scene if applicable.
- c. Determine if firearms or other deadly weapons are present and seize pursuant to Penal Code section 12028.5.
- d. Ensure that victim's and suspect's injuries are photographed clearly.
- e. Impound and photograph all weapons and other evidence including all instrumentalities of the crime (i.e. belts, phone cords, hangers, gas cans, lighters, broken lamps, etc.).
- f. When using digital cameras, follow established departmental guidelines as well as the District Attorney's Office guidelines for the storage and transfer of digital images.

#### 5. MEDICAL TREATMENT

If medical treatment is necessary:

- a. Transport or have victim transported to hospital.
- b. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim.
- c. When reasonably practical, try and photograph victim's injuries before victim is transported to the hospital.
- d. Obtain signed medical release from victim.
- e. Obtain copy of medical treatment form including doctor's name, address and telephone number.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

- f. Interview treating physician and confirm nature and severity of injuries.
- g. Document whether victim made statements to treating personnel regarding injury, incident or prior abuse.

#### COMPLETE A DOMESTIC VIOLENCE CRIME REPORT

Law enforcement shall complete Crime Reports in all Domestic Violence incidents. (PC13730)  
Law enforcement should maintain objectivity in reporting and avoid personal opinions regarding comments from victim/suspect.

#### 6. DUTY TO ADVISE VICTIMS OF SAFETY INFORMATION

- a. Provide referrals to community resources and relevant phone numbers (See ADDENDUM "SAFETY & DV INFORMATION SHEET"). Review the content of the handout with the victim.
- b. For certain jurisdictions you may contact the Domestic Violence Response Team (DVRT) for a trained advocate to assist the victim(s) and their children at the scene of an emergency response (call San Diego County Domestic Violence Hotline 888-DV-LINKS for this service).
- c. Explain the options available to the victim including the private person's arrest process, EPO, temporary restraining orders, and in cases of arrest, the followup procedures and ensuing criminal proceedings.
- d. BAIL ISSUES: Consider requesting a bail enhancement in situations where the amount listed in the bail schedule is insufficient to ensure the victim's safety.

LEGALLY REMOVE ALL FIREARMS FROM DOMESTIC VIOLENCE SCENES AND FROM THOSE PARTIES SUBJECT TO A DOMESTIC VIOLENCE RESTRAINING ORDER. (PC 12028.5, Family Code 6275)

Law enforcement must remember to seize all firearms pursuant to PC 12028.5. This can be the most important step to preventing future violence.

COMPLETE THE COUNTY APPROVED DOMESTIC VIOLENCE SUPPLEMENTAL" 2-PAGE FORM.

Law enforcement shall complete this form and attach it to each Domestic Violence incident report. This form is extremely helpful to prosecutors, assists them in making issuing decisions, and can serve as useful evidence in trial. This form is attached in Appendix C.

#### **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.

## *Domestic Violence*

---

### **320.4 INVESTIGATIONS**

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (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 Investigative Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  1. Whether the suspect lives on the premises with the victim.
  2. Claims by the suspect that the victim provoked or perpetuated the violence.
  3. The potential financial or child custody consequences of arrest.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

#### 320.4.1 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

#### 320.4.2 RECOGNIZING THE DOMESTIC VIOLENCE STALKING CASE

**STALKING DEFINED:** Penal Code section 646.9 defines stalking as: "Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family."

A. Law enforcement should be thinking about the possibility of stalking when victims report that they have made life changes due to a suspect's actions (i.e. when victims have changed their phone numbers, changed their routes to and from work, changed locks on the doors, etc.). Additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.

B. A credible threat means a verbal or written threat or a threat implied by a pattern of conduct or a combination of both made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family. A credible threat also requires that the suspect has the apparent ability to carry out the threat so that the target of the threat is reasonably fearful for his or her safety. It is not necessary to prove that the suspect had the intent to actually carry out the threat. A suspect can make a credible threat even if he/she is in jail. A credible threat can be made electronically or through any electronic communication device.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

"Electronic Communication device" includes but is not limited to phones, cell phones, computers, video recorders, fax machines, or pagers. (Penal Code sections 646.9(g)(h))

C. The element of credible threat is often the toughest element to prove beyond a reasonable doubt.

Discuss potential stalking cases with specially trained Stalking prosecutors at the City and District Attorney's offices. Anytime someone is booked for Stalking, law enforcement should contact the Stalking Unit of the District Attorney's office at 619-533-4300.

#### **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'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).

#### **320.5.1 DV RESTRAINING / PROTECTIVE ORDERS**

##### **I. GENERAL POLICY:**

Domestic Violence restraining /protective orders shall be enforced by all Law Enforcement officers. This includes orders from other states. (PC 13701, PC 836(c)(1)).

##### **II. MANDATORY ARREST POLICY:**

PC 13701(b) states that law enforcement shall arrest an offender, absent exigent circumstances, if there is probable cause that a DV restraining order/protective order has been violated. (PC 13701(b))

PC 836(c)(1) states that the officer shall make an arrest even without a warrant, and whether or not the violation occurred in the officer's presence. (PC 836(c)(1)).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

\*Important: Per Penal Code section 13710(b), the terms and conditions of a Restraining or protective order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court. This means that, "protected persons" are not in violation of protective orders when they acquiesce or invite the restrained party's contact, and should not be arrested. (PC 13710(b))

In situations where mutual protective orders have been issued, liability for arrest applies only to those persons who are reasonably believed to have been the dominant aggressor. (PC 836(c)(3). In those situations, before making an arrest, Law Enforcement shall make reasonable efforts to identify, and may arrest the dominant aggressor involved in the incident. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, Law Enforcement shall consider a) the intent of the law to protect victims or domestic violence from continuing abuse, b) the threats creating fear of physical injury c) the history of Domestic Violence between the persons involved and d) whether either person involved acted in self defense. (PC 836(c)(3)).

#### III. WHAT IS A "DOMESTIC VIOLENCE RESTRAINING ORDER/PROTECTIVE ORDER?"

Any order that enjoins one person from contacting another. (Orders issued pursuant to Family code section 2040, Family Code section 6218, Penal Code section 136.2, and those issued by a Criminal Court pending a criminal proceeding, and Emergency Protective Orders)

#### IV. HOW TO DETERMINE WHETHER THE ORDER IS VALID

A. Law Enforcement can check with dispatch to see if a served order is on file.

B. Law Enforcement can access full information about the terms of the order through SDLAW.

C. Law Enforcement can also check on [www.sdsheriff.net](http://www.sdsheriff.net) which lists limited restraining order information for all protective orders that are entered into CLETS. D. Law Enforcement can also call the Sheriff's Department 24-Hour Law Enforcement Line (law enforcement only) at (858) 974-2457 and ask the following questions:

1. Is there a restraining/protective order on file? (If so, it will be filed under the name of the restrained party)

**IMPORTANT:** If Sheriff personnel cannot verify the order, it may still be enforceable. If the responding officer believes in good faith that an order presented to him or her at the scene is valid and the suspect was on notice (see questions B through E below), a private person's arrest may be made even though the Sheriff's Department was not provided a copy to enter into DVROS.

2. What is the date of the order? When did/does the Order become effective?

3. What is the expiration date? Has the Order expired?

4. What are the terms of the order? For instance, whether peaceful contact is allowed is important information in determining whether a violation has occurred.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

5. Was the restrained person served with the Order? Is there a Declaration of Service on file or has another officer given the needed notice to the person to be restrained?

E. NO RECORD OF SERVICE. If no record of service exists:

1. Advise the restrained person that there is an Order in effect,
2. Give a copy of the Order to the restrained person or, if no copy is available to give, have the terms of the Order read over the phone and then verbally inform him/her of those terms,
3. Advise him/her that s/he is now subject to the terms of the Order and can be arrested for any further violations,
4. Notify the Sheriff's Department and report that you have served a copy of the Order on the defendant (The Sheriff will record your name, ID number, date, time and location that the suspect received notice),
5. Prepare and sign a Proof of Service, and
6. File the Proof of Service as part of the report. Investigations personnel shall ensure the original Proof of Service is filed with the court issuing the Order and a copy retained with the police report.

V. VICTIMS SHALL BE ADVISED ABOUT AVAILABILITY OF EMERGENCY PROTECTIVE ORDERS:

An Emergency Protective Order (EPO) can be an important tool for law enforcement in the prevention of future violence. Law Enforcement shall inform victims of the availability of EPO when they have reasonable grounds to believe there is an immediate and present danger 1) of Domestic Violence based on the person's allegation of recent abuse or threat of abuse, or 2) the EPO is necessary to prevent the occurrence or recurrence of Domestic Violence. If the person requests such an order, the officer shall request an EPO from the court. (Family Code sections 6275, 6251, 6250, PC 646.91)

A. EPO's are available 24-hours a day, 7-days a week.

B. This is not just an after-hours or weekend remedy.

C. The fact that no crime has yet been committed does not eliminate the duty to advise victims about EPO's. D. Law Enforcement does not need permission from victims or the request from victims in order to request an EPO from the court. Law Enforcement can request EPO's on their own. (See Family Code 6250(a))

E. Whether the respondent is in custody or the protected person left the home for safety reasons should have no bearing on the availability of an EPO, and should not be factored into the immediate and present danger determination.

F. If a Protective Order is obtained, a Crime/DV Incident Report shall be prepared on the incident.

VI. HOW TO OBTAIN AN EMERGENCY PROTECTIVE ORDER:

This procedure may be utilized 7 days a week, 24 hours a day.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

- A. If a protective order is being sought, the officer will complete Form EPO-001 (rev. 1- 07) Application for Emergency Protective Order (CLETS).
- B. After court hours, weekends and holidays, the officer will telephone the duty judge through the duty telephone at the Sheriff's Office at 858-974-2493 (this is a nonpublic number).
- C. During court hours, the officer will contact a judge through the Family Court at (619) 557-2120 (this is a non-public number).
- D. Upon approval by the judge, the officer will complete Form EPO-001 (rev. 1-07), Emergency Protective Order (CLETS). This order may be granted for up to five (5) full court days and will expire at 5:00 p.m. on the last specified court day.
- E. The officer will provide the pink copy of the application and the order to the issuing agency and the canary yellow copy to the protected party. The officer will submit the white copy of the application to the restrained party. The goldenrod copy of the application will be attached to the crime report for the court.
- F. The officer requesting the Order shall carry copies of the order while on duty. (Pen. Code, § 13710(c)) requires the law enforcement officer to make a reasonable effort to serve the restrained party with the EPO.)
- G. The officer will encourage the protected party to carry a copy of the Emergency Protective Order with him/her.
- H. Make sure to fax the front and back pages of the approved Emergency Protective Order to the Sheriff's office at (858) 974-2492 whether or not the EPO was served to the restrained party. If you are unable to get through, you may try fax (858) 974- 2457.
- I. Verbal admonishment by a law enforcement officer shall constitute valid service of the order under the following conditions:
  - a. Verbal admonishment must be conducted in person.
  - b. The terms and conditions must be read to the restrained person. Terms and conditions can be obtained by calling (858) 974-2457.
  - c. Advise restrained person to go to the local court to obtain a copy of the order containing the full terms and conditions of the order per Family Code section 6383(g).

**PREPARE A CRIME REPORT FOR EVERY DV RESTRAINING ORDER/PROTECTIVE ORDER VIOLATION.**

Law enforcement should always prepare and submit a crime report of the appropriate restraining order violation regardless of whether or not the suspect is still present at the scene.

#### **320.5.2 OFFICER INVOLVED DOMESTIC VIOLENCE PROCEDURES**

No person, because of his or her occupation, should be exempt from the application of the laws concerning domestic violence, or the duties proscribed in this protocol. When responding to a domestic violence call involving another officer, the following procedures are recommended:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

#### I. INVESTIGATIONS INVOLVING OFFICERS FROM OTHER AGENCIES

- A. These cases will be handled according to Domestic Violence laws, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
- B. The supervisor of the investigative unit will notify the agency that employs the officer as soon as possible.
- C. A copy of the completed investigation will be provided to the supervisor of the investigative unit completing the investigation.

#### II. INVESTIGATIONS INVOLVING OFFICERS WITHIN AGENCY

- A. These investigations will be handled according to Domestic Violence Laws, Departmental policies, this protocol, and the Peace Officer's Bill of Rights.
- B. These are guidelines only. Each agency should develop and follow specific Department Policies and Procedures regarding Officer Involved Domestic Violence consistent with the Peace Officer's Bill of Rights.

#### III. REFER TO SECTIONS 1-8 IN THIS PROTOCOL FOR ALL OFFICER-INVOLVED DOMESTIC VIOLENCE SITUATIONS.

In addition to sections I and II above, law enforcement shall also refer to sections 1-8 in this County-wide protocol.

#### 320.5.3 COURTESY REPORTS

If the responding agency determines that the abuse took place in another jurisdiction, the following procedures are encouraged:

- A. Attempt to contact the agency where the crime occurred.
- B. Ascertain if the agency will send officers to conduct an investigation in a timely manner.
- C. While waiting for the responding officers from the jurisdiction where the crime occurred, prepare a short ARJIS 9 to document anything you witnessed first-hand including actions, statements, and demeanor of the victim/suspect. D. If an officer from the jurisdiction where the crime occurred is unavailable, prepare a "courtesy" report.
  1. The "courtesy" report should meet the same standards as any crime report investigated by that jurisdiction. (Arjis 2)
  2. Law Enforcement should use the DV Supplemental report form (13700 P.C)
  3. An effort should be made to recover any relevant evidence including photographing the injuries.
  4. A case number should be assigned to the case to meet the reporting requirements set forth in Penal Code section 13730.
  5. The case number can be either permanent or temporary based upon the policies and procedures of that specific agency.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

6. Notify the agency where the crime occurred that the report has been made.

7. Fax a complete copy of the investigation to that agency's record section and/or to the investigative unit responsible to investigate the crime as quickly as possible.

#### 320.5.4 REMOVAL OF FIREARMS FROM A DOMESTIC VIOLENCE INCIDENT OR SCENE

I. Law enforcement shall make every attempt to legally seize weapons from Domestic Violence incidents. (PC 12028.5)

II. Prosecutors should notify courts when reasonably possible when Domestic Violence defendants have registered firearms.

III. The District Attorney's Office will run the Automated Firearms computer screens in all Domestic Violence cases when feasible, and attempt to notify the courts of relevant information regarding those registered firearms.

#### 320.5.5 ADDENDUM -A TEEN RELATIONSHIP VIOLENCE

##### I. JURISDICTION

Domestic Violence offenses such as Penal Code sections 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office is responsible for the prosecution of those cases.

##### II. POLICE RESPONSE

A. Investigation. When investigating a Domestic Violence offense involving a juvenile offender, Law Enforcement agencies are encouraged to use the term "teen relationship violence" as opposed to "domestic violence." To ensure proper handling by Juvenile Court professionals, it is important for Law Enforcement officers to determine and document the relationship between the parties in their report.

B. Arrest. While pro-arrest policies equally apply to "teen relationship violence" cases, it should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria" as set forth by San Diego Probation Department that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned.

C. Juvenile Contact Report. Regardless of whether a juvenile offender is detained and the victim is a minor, officers are encouraged to provide "victim assistance" (as described in this protocol) to the minor victim including an emergency protective order and referral information.

D. Cross-report to CPS. Since the juvenile offender is a minor, a cross-report to CPS is still required.

##### III. PROTECTIVE ORDERS FOR TEENS

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Domestic Violence*

---

As a result of recent changes in the law, a minor 12 years old or older may seek a protective order against an abusive partner without a guardian or counsel under Family Code section 372. Emergency Protective Orders shall also be issued for teen victims when applicable.

IV. ADDITIONAL INFORMATION For additional information concerning teen relationship violence, you may contact the TRV Committee of the San Diego Domestic Violence Council at 619-533-6000.

#### 320.5.6 ADDENDUM - B MILITARY

##### I. NAVY RESPONSE

Spouse and child abuse has a negative effect upon military readiness, effectiveness, and good order and discipline. Accordingly, response to spouse and child abuse is a leadership issue. The Navy Family Advocacy Center is directed by the U.S. Department of Defense to assist with the intervention and prevention of domestic abuse. Victim Advocates assist victims with obtaining resources and referrals to help them maintain safety in or out of an abusive relationship.

A committee of military personnel reviews clinical assessments, medical and law enforcement reports and is tasked with recommending treatment for offenders and victims. These recommendations do not take the place of civilian prosecution/mandates, but may be substituted for civilian treatment requirements with court approval. The Navy is able to intervene with immediate safety needs by issuing a Military Protective Order that instructs the Service Member to stay away from the alleged victim. This is recognized by the Navy only and a civilian protective order should be obtained for Law Enforcement protection.

Point of Contact: Family Advocacy Center 3135 Dolphin Alley Building 261 San Diego, CA 92136-5182 Tel: (619) 556-8809 Fax: (619) 556-9473

##### II. MARINE CORPS RESPONSE

The Marine Corps' philosophy regarding Domestic Violence is that it is behavior that is incompatible with maintaining "good order and discipline" and is an absolute violation of a Marine's Core Values: Courage, Honor, and Commitment.

A Marine will be held accountable for perpetrating acts of Domestic Violence and assisted in safety planning to avoid being a victim of such acts. Similar expectations and guidance applies to family members as well.

The Marine Corps Family Advocacy Program (FAP) is tasked by the Dept. of Defense with intervening in cases where Domestic Violence has been alleged. (This criterion has been expanded to include cohabitating partners and partners who share a child.) Full clinical assessments are provided by FAP personnel to all involved parties, and medical and investigative data is gathered to be presented to a multi-disciplinary team for the administrative purpose of adjudicating if the abuse occurred and identification of the victim and offender. Victim Advocacy services and safety planning are ongoing activities in this process. This multi-disciplinary team activity is called the Case Review Committee (CRC) and a senior Marine from the command of the

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Domestic Violence*

---

Marine being reviewed is a participant in the proceedings. The CRC will make recommendations for rehabilitation to the command for their disposition. Points of Contact at San Diego Marine Bases

MCAS Miramar FAP Manager - Tim Stanton (858) 577-6585 FAX (858) 577-4378 PMO Desk Sergeant (858) 577-4068

MCRD FAP Manager €š" Jeanne Mossuto (619) 524-5730 FAX (619) 524-0464 PMO Desk Sergeant (619) 524-4202

MCRD FAP Manager - Jeanne Mossuto (619) 524-5730 FAX (619) 524-0464

Camp Pendleton FAP Manager €š" Lou Jean Fausner (760) 725-9051 FAX (760) 725-0312 PMO Desk Sergeant (760) 763-2077

### 320.5.7 ADDENDUM - C DOMESTIC VIOLENCE SUPPLEMENTAL 13700 P.C.

See Carlsbad Police Department -- Department Violence Supplemental 13700 P.C. form.

### 320.5.8 ADDENDUM - D VICTIM SAFETY AND DV INFORMATION

Samples:

I. PERSONALIZED SAFETY PLAN:3 Safety during a violent incident. I can use some or all of the following strategies:

A. If I have/decide to leave my home, I will go\_\_\_\_\_.

B. I can tell \_\_\_\_\_(neighbors) about the violence and request they call the police if they hear suspicious noises coming from my house.

C. I can teach my children how to use the telephone to contact the police.

D. I will use \_\_\_\_\_as my code word so someone can call for help.

E. I can keep my purse/car keys ready at (place)\_\_\_\_\_, in order to leave quickly.

F. I will use my judgment and intuition. If the situation is very serious, I can give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger. Safety when preparing to leave. I can use some or all of the following safety strategies:

A. I will keep copies important documents, keys, clothes and money at\_\_\_\_\_.

B. I will open a savings account by\_\_\_\_\_, to increase my independence.

C. Other things I can do to increase my independence include:\_\_\_\_\_.

D. I can keep change for my phone calls on me at all times. I understand that if I use my telephone credit card, the telephone bill will show my partner those numbers that I called after I left.

E. I will check with \_\_\_\_\_and my advocate to see who would be able to let me stay with them or lend me some money.

F. If I plan to leave, I won't tell my abuser in advance face-to-face, but I will call or leave a note from a safe place. Safety in my own residence. Safety measures I can use include:



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Domestic Violence*

---

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install additional locks, window bars, poles to wedge against doors, and electronic systems etc.
- D. I can install motion lights outside. E. I will teach my children how to make a collect call to \_\_\_\_\_ if my partner takes the children.
- F. I will tell people who take care of my children that my partner is not permitted to pick up my children.
- G. I can inform \_\_\_\_\_ (neighbor) that my partner no longer resides with me and they should call the police if he is observed near my residence. Safety with a protection order. The following are steps that help the enforcement of my protection order.

- A. Always carry a certified copy with me and keep a photocopy.
- B. I will give my protection order to police departments in the community where I work and live.
- C. I can get my protection order to specify and describe all guns my partner may own and authorize a search for removal.

### II. WHAT I NEED TO TAKE WHEN I LEAVE:

Identification for myself

Address Book

Driver's License

Pictures

Children's Birth Certificates

Medical records - for all family members

My birth certificate

Social Security Cards

Money

Welfare Identification

Rental Agreement

School records

Lease

Mortgage payment book

Work permits

House deed

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Domestic Violence*

---

Bank books

Green card

Checkbooks

Credit cards

Divorce papers

Passport(s)

Insurance papers

Jewelry

Keys - house/car/office

Medications for me and my children

Children's favorite toys and/or blankets

Items of special sentimental value

Small saleable objects

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

### 322.2 POLICY

It is the policy of the Carlsbad 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.

#### 322.3.1 FORENSIC EXAMINATIONS OF ELECTRONIC DEVICES

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Search and Seizure*

---

Existing law has recognized a reasonable expectation of privacy with respect to data contained within electronic devices such as cellphones, computers, and other electronic devices. Therefore, searches of cellphones, computers and other electronic devices utilizing forensic examination devices such as Cellebrite, Graykey or similar device, shall only be conducted pursuant to an issued search warrant or wiretap order (1546(c)(1)-(2) Cal. Penal Code), or subject to the following exceptions:

- (a) With the specific consent of the authorized possessor of the device. (1546(c)(3) Cal. Penal Code)
- (b) With the specific consent of the owner of the device, only when the device has been reported as lost or stolen. (1546(c)(4) Cal. Penal Code)
- (c) If the officer reasonably believes that an emergency involving danger of death or serious physical injury to any person requires access to the electronic device information. (1546(c)(5) Cal. Penal Code)
- (d) If the officer reasonably believes the device to be lost, stolen, or abandoned, provided that the officer shall only access electronic device information in order to attempt to identify, verify, or contact the owner or authorized possessor of the device. (1546(c)(6) Cal. Penal Code)
- (e) If the device is seized from an authorized possessor of the device who is subject to a Fourth Amendment waiver provision clearly and unambiguously authorizing the search of the cellphone or electronic device as a condition of probation, mandatory supervision, or pretrial release. (1546(c)(10) Cal. Penal Code)

All forensic examinations of electronic devices must be documented in a proper departmental report by the officer directing or conducting the search.

#### **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

## *Search and Seizure*

---

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.

In cases where a search is conducted, and nothing of evidentiary value is located or seized, and there are no other unusual circumstances, the aforementioned documentation may be done as part of an officer's CAD entry.

## Confinement of Adult Prisoners

### 323.1 PRISONER CONFINEMENT

It shall be the policy of the Carlsbad Police Department that all prisoners will be held and processed in the temporary holding facility. Prisoners shall not have access to the common areas of the Carlsbad Police Station unless they fall within one of the following categories:

- (a) Prisoners that are in the process of being interviewed
- (b) Non-secure juvenile prisoners
- (c) Female prisoners when there is no on-duty female police officer in the station

In the event that an adult prisoner meets the above criteria and is allowed into the common area of the Carlsbad Police Station, they shall be handcuffed at all times. Prisoners that are being interviewed in a secure interview room in the detective bureau may be secured in the interview room without handcuffs.

## 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 Carlsbad 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; 15 CCR 1150).

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

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

#### **324.2 POLICY**

The Carlsbad 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 Carlsbad 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 SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Carlsbad 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).

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



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

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 members should administer first aid as applicable (15 CCR 1142).

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

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

#### **324.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Carlsbad 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 Carlsbad 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 Carlsbad Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

##### **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 Carlsbad Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

##### **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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

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 Carlsbad 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 taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

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

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

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

#### **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).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

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

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

#### **324.6 JUVENILE CUSTODY LOGS**

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Carlsbad 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; 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 (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

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

#### **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 Carlsbad 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 Carlsbad 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 Carlsbad 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
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

- (e) Age, type, and number of other individuals in custody at the facility

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

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

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

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

#### 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 members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  1. All safety checks shall be logged.
  2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of 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 Carlsbad Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

#### **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 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

##### **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 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

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

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

#### **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.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Investigative Bureau 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 shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Juveniles*

---

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 Carlsbad Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

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

The Field Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Carlsbad 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).

## Senior and Disability Victimization

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Carlsbad Police Department members as required by law (Penal Code § 368.6).

The Carlsbad Police Department is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

### 326.2 DEFINITIONS

Definitions related to this policy include:

**Adult Abuse** - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

**Dependent Adult** - Any person residing in this state, 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 includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

### 326.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05;

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

Notification should 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.
- (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.
- (c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.
- (d) 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.
- (e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.
- (g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.
- (h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The Investigative Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

#### **326.3.1 RECORDS DIVISION RESPONSIBILITY**

The Records Division is responsible for the following:

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

#### **326.4 OFFICER'S RESPONSE**

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

##### **326.4.1 INITIAL RESPONSE**

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

##### **326.4.2 STABILIZE THE SITUATION**

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, officers should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

#### **326.4.3 SUPPORT PERSONNEL**

The following persons should be considered if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

#### **326.4.4 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)).

#### **326.5 ADULT ABUSE REPORTING**

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

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

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Officers investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

#### **326.6 TRAINING**

The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Senior and Disability Victimization*

---

- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

### 326.6.1 MANDATORY TRAINING

The Training Coordinator shall ensure that appropriate personnel receive the required training, including:

- (a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- (b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
  - 1. Training should include the following:
    - (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
    - (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Coordinator shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

### 326.7 RECORDS BUREAU RESPONSIBILITIES

The Records Division is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

### 326.8 JURISDICTION

The Carlsbad Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

#### **326.9 RELEVANT STATUTES**

##### **Penal Code § 288 (a) and Penal Code § 288 (b)(2)**

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

##### **Penal Code § 368 (c)**

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

##### **Penal Code § 368 (f)**

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

##### **Welfare and Institutions Code § 15610.05**

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

##### **Welfare and Institutions Code § 15610.06**

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

#### **Welfare and Institutions Code § 15610.30**

- (a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:
  - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
  - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
  - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, “representative” means a person or entity that is either of the following:
  - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
  - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

#### **Welfare and Institutions Code § 15610.43**

- (a) “Isolation” means any of the following:
  - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
  - 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



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.
  4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

#### **Welfare and Institutions Code § 15610.57**

- (a) "Neglect" means either of the following:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
  2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
  2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
  3. Failure to protect from health and safety hazards.
  4. Failure to prevent malnutrition or dehydration.
  5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
  6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

#### **Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

- (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. Incest, as defined in Section 285 of the Penal Code.
  - 5. Sodomy, as defined in Section 286 of the Penal Code.
  - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
  - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
  - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
  - 1. For punishment.
  - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
  - 3. For any purpose not authorized by the physician and surgeon.

#### **326.10 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Senior and Disability Victimization*

---

1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
  - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
  - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
  - (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
  - (d) Ensure an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
  - (e) Ensure a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
  - (f) Ensuring that all members carry out their responsibilities under this policy.
  - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
  - (h) Ensure this policy is available to the Protection and Advocacy Agency upon request.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Senior and Disability Victimization*

---

### **326.11 ELDER AND DEPENDENT ADULT ABUSE LIAISON**

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

---

## Discriminatory Harassment

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 328.2 POLICY

The Carlsbad Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 328.3 GOALS

The goal of the Carlsbad Police Department's Anti-Discrimination Program is to hire, train, compensate, assign and promote all employees and those aspiring to become employees on the basis of merit and fitness.

The department is committed to fair and equal treatment of all employees. Positive steps have been taken to comply with the laws and policies relating to equal employment opportunities. Our continued success depends on deliberate and sustained efforts to identify and eliminate barriers to employment and advancement. We will accomplish this goal within the moral and legal principles of our merit system.

Each police department employee is expected to understand, support and promote equal employment opportunities.

- (a) Discrimination against any person in recruitment, examinations, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin or other non-merit factors is prohibited. Discrimination on the basis of age, or sex, or physical or mental disabilities is prohibited except where specific age, sex or physical requirements constitute bona fide occupational qualities necessary to proper and efficient administration.
- (b) The use of racial, ethnic or sexual epithets, as well as racial, ethnic or sexual harassment by supervisors and employees will not be tolerated.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Discriminatory Harassment*

---

- (c) Unwelcome sexual advances, request for sexual favors or other verbal or physical conduct shall be deemed to constitute sexual harassment when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
  - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
  - 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (d) Every ranking officer will be responsible for the application of the Anti-Discrimination Policy. Each is responsible for initiating and supporting programs and practices designed to develop and understanding, acceptance, commitment and compliance within the framework of this policy. All employees, and specifically management and supervisory personnel, are responsible for compliance with all legal requirements.
- (e) Ranking officers will take affirmative steps to encourage the qualification and application of individuals for appropriate job openings. They will assure that employment, development and promotional opportunities at all levels within their units are made without regard to race, religion, color, national origin, sex or age, except where sex or age are essential bona fide occupational requirements. It is expected of ranking officers that they demonstrate leadership among other responsible governmental and civic leaders in observing the intent of federal, state and local laws concerning non-discrimination.
- (f) Employees who feel they have been the victim of some type of discrimination or harassment should notify their immediate supervisor or any supervisor, including the Chief's office, or the City Human Resources Department. The employee is also entitled to go directly to the California Department of Fair Employment and Housing (DFEH) and/or the federal Equal Employment Opportunity Commission (EEOC) to file a complaint.

The lieutenant of the Professional Standards and Services Bureau is the equal opportunity liaison officer for the department. The duties and responsibilities include:

- The continuing development, implementation and monitoring of our Anti-Discrimination Program.
- The investigation of cases of suspected discrimination and liaison with City Human Resources Office.
- The authority to implement all aspects of our policy and plan.
- Responsibility for the department's continued adherence to the directives and goals listed herein.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Discriminatory Harassment*

---

### **328.4 REQUIRED POSTERS**

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

## Child Abuse

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Carlsbad 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 Carlsbad Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 330.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

#### **330.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

#### **330.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

#### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **330.5.1 EXTRA JURISDICTIONAL REPORTS**

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

#### **330.6 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

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.

## *Child Abuse*

---

### 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 CHILD VICTIM/WITNESS PROTOCOL**

The purpose of this policy is to adopt a child victim/witness investigative protocol as developed by the San Diego Regional Child Victim/Witness Task Force in June 1991.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

The Carlsbad Police Department, in conjunction with all members of the county law enforcement community, hopes to assist all children, both victims and witnesses who are exposed to any kind of abuse. This protocol is a collaboration of work by those in law enforcement, child protection, legal advocacy, mental and medical health, and the judiciary. The protocol also provides for a coordinated, interdisciplinary approach to protecting and interviewing child victim/witness during a child abuse investigation.

The goal is to treat children with dignity and respect, and to minimize further trauma that is already related to the area of child abuse. This includes limiting the number of interviewers and the times the child is interviewed.

The child victim/witness protocol addresses the preventable trauma that occurs when the victims or witnesses of child abuse are repeatedly interviewed. It must be remembered that the potential for emotional harm exists whenever a child is a victim or witness to any crime. This is especially true if the crime is a violent one.

The dynamics of domestic violence are in many ways similar to those of child abuse. Experiencing or witnessing violence within the home can evoke feelings of fear, confusion, and guilt, which may be enhanced if the family is separated as a result of what the child may believe were his or her statements.

A copy of the San Diego Regional Child Victim/Witness Task Force Protocol has been made available to every staff member of the department. With the adoption of this protocol, this directive is intended to provide guidelines and assistance to those officers who come into contact with the child victim/witness. The suggestions in the adopted protocol are offered not as the "be all and end all" in the child abuse field, nor would these guidelines apply in all circumstances. However, it is hoped that the sensitivity to which this protocol speaks will be applied to any situation where the child is a victim or a witness.

#### 330.8.1 ROLE OF LAW ENFORCEMENT

- (a) San Diego County includes many different law enforcement agencies, both large and small. All are charged with the responsibility to investigate allegations of child abuse, or other allegations of criminal conduct where children are witnesses.
- (b) Law enforcement's direct involvement consists of protecting the child (children) from additional trauma, determining whether there was a violation of law, and where there is a possibility of prosecution, investigating the case and presenting it before the District Attorney. Every effort is made to limit the number of interviewers and minimize the times the child is interviewed while at the same time obtaining the evidence necessary for prosecution.
- (c) In addition to the investigative role, law enforcement, and in particular the specialized child abuse units, plays a civic role in making presentations on the subject of child abuse to various community groups. The topics include:
  - 1. Child abuse in general,

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

2. The mandatory reporting law, and
  3. Investigative skills.
- (d) Law enforcement also attends interdisciplinary meetings with various organizations in an effort to coordinate their mutual responsibilities with regard to these cases.
- (e) All law enforcement personnel receive basic training in their academies on the topics of child abuse and sexual assault. Investigators who are assigned to specialized child abuse units receive specialized training in child abuse so as to be aware of children's developmental skills and other aspects to increase their sensitivity.
- (f) The vast majority of initial law enforcement contacts with the victims of child abuse are made by uniformed patrol officers. Department policies and procedures dictate how different types of investigations are worked. The application of this protocol requires tasks to be handled by the appropriate officers as dictated by department policy.
- (g) The State of California has mandated reporting requirements for child abuse cases in Sections 11165 through 11174.5 of the California Penal Code. If the law enforcement agency received the report of child abuse from the Children's Services Bureau, then the officer does not need to fill out State form SS8572 nor cross report the allegation to the Children Services Bureau. It is the officer's responsibility however to ensure that these forms have been completed and notifications conducted.
- (h) The initial contact may take place in the victim's home, at a school or day care center, a hospital, or at any number of other sites. As with any situation that may involve physical injury, the officer must first decide if the child needs immediate medical care.
- (i) A Children's Protective Services (CPS) worker, parent, or teacher may have already received some of the required information from the child. These individuals may not have acquired all of the facts necessary for a criminal investigation<sup>3/4</sup> however, the fewer times a child is asked the same questions, the less traumatized the victim.
- (j) If the case will be followed up by a detective, much of the required information may be obtained without re-interviewing the child. Basics such as names, addresses, and phone numbers are needed, but only three other facts are necessary for the report. These are:
1. Jurisdiction
  2. Statute of limitations
  3. The basic elements of the crime. (Something as simple as, "Joe touched my pee-pee" may suffice.)
- (k) The child will be asked for details at a later time by a social worker and/or a detective. It is very difficult and traumatic for children to have to relate these events repeatedly. If the officer can determine, by speaking to others, that a crime has occurred, then he or

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

she should do so. The officer, either alone or with a CPS worker, must also determine whether or not there is a protective issue for the victim and other children in the home. If leaving the children in their current situation would put them at risk, the officer **MUST** take them into protective custody per Welfare and Institutions (W&I) Code Section 300. Children taken into protective custody should be taken to Polinsky Children's Center or be released to a CPS worker. When in doubt, remove all children at risk.

- (l) It is important for the officer to be aware that evidence of the abuse may exist.
  - 1. In physical abuse or neglect cases handled by the field officer, immediate documentation of instruments of the crime (e.g., belts, spoons, lubricating jelly, etc.) should be collected as evidence.
  - 2. In sexual abuse cases, the evidence of a molest may only be discernible by an experienced expert. An interview by a social worker and/or an evidentiary (medical) examination may be warranted.
  - 3. Physical evidence from the victim's person, including photographs, will only be collected by medical personnel. Lawfully seized evidence is extremely important and can be used to corroborate the victim/witness' statements.

#### 330.8.2 REPORTING PROCEDURES

- (a) In all cases of suspected child abuse, a child abuse investigation report (SS8572) **MUST** be completed. Note: The comment section of the form should include a summary of the incident, NOT merely "See attached reports," as the reports sometimes get separated during processing.
- (b) Suspected child abuse cases **MUST** be reported immediately to the CPS 24-hour hot line by calling: (619) 560-2191 or (800) 344-6000. The call expedites the assignment of a social worker in most instances. It also ensures that the incident adheres to the mandatory cross-reporting requirements.
- (c) A police report (i.e., crime/incident) shall be completed.
- (d) Determine whether or not there is a protective issue for the victim or other children in the home. If minor(s) are at risk, they **MUST** be taken into protective custody and be transported to Polinsky Children's Center.

#### 330.8.3 GUIDELINES FOR 300 W&I CASES

The following guidelines should be followed for placing a juvenile into protective custody and placing him/her into Polinsky Children's Center. Examples of the required reports are attached to this directive.

- (a) First, a Suspected Child Abuse Form (SS8572) **MUST** be filled out. If there is more than one juvenile being taken into custody, utilize the one form and list the additional victims in the section marked "Siblings."

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

- (b) Second, for each juvenile taken into custody and placed into a receiving facility, you must fill out a "Polinsky Children's Center Detention Data Form." Fill out this form as complete as possible, being careful not to fill in the blanks utilizing the phrase "See the attached incident/crime report for details," as during the processing of the juvenile by other social service agencies, the report isn't always available. NOTE: If a juvenile is taken into protective custody from somewhere other than the custody of his/her parents, we are required by law (W&I Code 308) to notify one of the parents that we have done so. We need only tell them where the child (children) is being placed if they ask. Once again, we are required to give them this information if they ask. The detention data form has space designated for this information.
- (c) The third and final form necessary to place a juvenile into a receiving home will be the Affidavit and Application for Filing of Juvenile Court Petition (329 W&I). This form is similar to the criminal affidavit<sup>3</sup>/<sub>4</sub> however, one cannot be substituted for the other.
- (d) When the juvenile is being placed, try to include a copy of the incident report or crime report whenever possible. If this report cannot be completed, keep in mind that as in the case of criminal matters, the case must be filed with the dependency court within 48 hours of the placement. Therefore, as soon as this report is completed and approved by a supervisor, a copy should be made available to Polinsky Children's Center.

The following items are necessary when placing a juvenile into protective custody:

- Suspected Child Abuse Form (SS8572).
- Polinsky Children's Center Detention Data Form.
- Affidavit and Application for Filing Juvenile Court Petition (form 329 W&I Code).
- Copy of the police report.
  - The report shall include the reason the minor(s) was taken into protective custody.

All extra copies of the placement forms shall remain with the original police report and will be distributed later by the records division.

### **330.9 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.



## *Child Abuse*

---

### **330.10 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.

#### **330.10.1 SUPERVISOR RESPONSIBILITIES**

The Investigative Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigative Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (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.

#### **330.10.2 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 Investigative Bureau supervisor so an interagency response can begin.

### **330.11 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

#### **330.11.1 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).

#### **330.11.2 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

#### 330.11.3 CACI HEARING OFFICER

The Investigative Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

#### 330.11.4 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 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.

#### 330.11.5 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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child Abuse*

---

#### **330.12 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, including cognitively impaired or developmentally disabled.

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

### 332.2 POLICY

The Carlsbad 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 Carlsbad Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

### 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- 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)

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Missing Persons*

---

- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

#### **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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Missing Persons*

---

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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Missing Persons*

---

- (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 Investigative Bureau.
- (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 INVESTIGATIVE BUREAU FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials 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.
- (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).

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Missing Persons

---

- (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 § 566).

### **332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager 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 Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Carlsbad 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.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Missing Persons*

---

- (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 Coordinator 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 Carlsbad 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Public Alerts*

---

#### 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 COMMUNICATIONS DIVISION RESPONSIBILITIES

- (a) Broadcast a county-wide BOL over LE North Command, Blue 1 and County Call frequencies.
- (b) Contact the CHP Emergency Notification and Tactical Alert Center (ENTAC) at (916) 845-8931 to initiate an EAS alert (regional, multi-regional, or statewide). Provide available summary information for the EAS message. Include agency name and telephone number for the public to call with leads.
- (c) Send a BOLO Administrative Message via CLETS to all law enforcement agencies statewide using the Users Group Code 4500. The text must start with "EDI'S FLASH" and the subject should contain "CHILD ABDUCTION ALERT" and the city of occurrence. Include the following information, if available:
  - 1. Victim's name, age, sex and physical description
  - 2. Description of clothing
  - 3. Location and time last seen
  - 4. Description of possible suspect(s) and suspect(s) vehicle
  - 5. Last known direction of travel and possible destination Investigating law enforcement agency name and telephone number for the public to call with information
  - 6. Name and telephone number of the agency contact person for the media
  - 7. Do not use multiple spaces, quotation marks, asterisks, or other characters.
  - 8. Do not include any confidential information intended for law enforcement only.
- (d) Enter the missing person into the MUPS system. The information will automatically be filed in NCIC (which satisfies the requirement for notification of the Attorney General's Office within 4 hours of the reported missing person under age 16 or "at risk" per PC 14205).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Public Alerts*

---

#### 334.4.3 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  1. The child's identity, age and description
  2. Photograph if available
  3. The suspect's identity, age and description, if known
  4. Pertinent vehicle description
  5. Detail regarding location of incident, direction of travel, potential destinations, if known
  6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
  1. The local FBI office
  2. National Center for Missing and Exploited Children (NCMEC)

#### 334.4.4 RECEIVED CHILD ABDUCTION ALERTS

When the communication center receives a broadcast or teletype from another agency, a CAD incident will be created and the information broadcast to field units.

#### **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):

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Public Alerts

---

- (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.
- (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):

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Public Alerts*

---

- (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 a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigative Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (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 Carlsbad Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Public Alerts*

---

### **334.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

#### **334.8.1 CRITERIA**

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

#### **334.8.2 PROCEDURE**

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

---

## Victim and Witness Assistance

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 336.2 POLICY

The Carlsbad Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Carlsbad 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 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 Carlsbad 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 Carlsbad Police Department jurisdiction (Penal Code § 680.2).



## *Victim and Witness Assistance*

---

### **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 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 Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Victim and Witness Assistance*

---

- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

#### **336.6 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 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

### 338.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Carlsbad Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

#### 338.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** - Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

**Gender identity**- Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
  - 1. “Association with a person or group with these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality includes citizenship, country of origin, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

## *Hate Crimes*

---

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

### **338.3 PLANNING AND PREVENTION**

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

#### **338.3.1 HATE CRIMES COORDINATOR**

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Coordinator to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Division for mandated reporting to the Department of Justice.
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Division Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
  - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
  - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

#### 338.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

#### **338.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

##### **338.4.1 INITIAL RESPONSE**

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
  - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
  - 1. Hate literature.
  - 2. Spray paint cans.
  - 3. Threatening letters.
  - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
  - 1. Identity of suspected perpetrators.
  - 2. Identity of witnesses, including those no longer at the scene.
  - 3. The offer of victim confidentiality per Government Code § 6254.
  - 4. Prior occurrences in this area or with this victim.
  - 5. Statements made by suspects; exact wording is critical.
  - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

#### 338.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
  1. Hate literature.
  2. Spray paint cans.
  3. Threatening letters.
  4. Symbols used by hate groups.
  5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
  1. Identity of suspected perpetrators.
  2. Identity of witnesses, including those no longer at the scene.
  3. Offer of victim confidentiality per Government Code § 6254.
  4. Prior occurrences, in this area or with this victim.
  5. Statements made by suspects; exact wording is critical.
  6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
  - 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
  - 2. Provide ongoing information to victims about the status of the criminal investigation.
  - 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

#### 338.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
  - 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
  - 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hate Crimes*

---

- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

#### **338.5 TRAINING**

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

#### **338.6 APPENDIX**

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

## Standards of Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Carlsbad Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 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 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### 340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

#### 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.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

- (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 statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) Knowingly making malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (j) 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.
- (k) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (l) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (m) 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).
- (n) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (o) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (q) 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.
- (r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (s) 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



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

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.

- (t) Offer or acceptance of a bribe or gratuity.
- (u) Misappropriation or misuse of public funds.
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (x) 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.
- (y) 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.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (aa) Violating any misdemeanor or felony statute.
- (ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ae) 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

#### 340.3.6 COMPETENCY IN THE PERFORMANCE OF ONE'S DUTIES

As an officer you must maintain sufficient competency to properly perform your duties and assume the responsibilities of the position. The ability to observe, describe, or recall an event for documentation, testifying in court, or remembering details in criminal and internal investigations is what competent officers are expected to do to properly perform their duties.

(a) Incompetence may be demonstrated by – Failure to observe and remember basic events at a significant incident. This shall include the officer's ability to observe and recall events and situations occurring around them.

1. A lack of knowledge of the application of laws required to be enforced.
2. An unwillingness or inability to perform assigned tasks.
3. Failure to conform to work standards established for the member's rank or position.
4. Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention.

#### 340.3.7 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.

#### 340.3.8 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

#### 340.3.9 SUPERVISION RESPONSIBILITY

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### 340.3.10 PROHIBIT LAW ENFORCEMENT "GANGS"

Officers shall not participate in a law enforcement gang. A violation of this policy is grounds for termination. (Penal Code § 13670)

A "law enforcement gang" is a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected classification, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

Except when prohibited by law, the department shall disclose the termination of a peace officer for participation in a law enforcement gang to another law enforcement agency that is conducting a preemployment background investigation of the former officer. (Penal Code § 13670)

#### **340.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Standards of Conduct*

---

#### **340.4.1 WRITTEN REPRIMANDS**

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

In the event that a written reprimand is issued by a Captain or Division Commander, the uninvolved Captain or Division Commander will be the supervisor that will be assigned the appeal.

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 RESPONSIBILITIES OF COMMAND STAFF**

All completed personnel Type II investigations, as classified pursuant to department policy, shall be forwarded to the PSSB Lieutenant for approval. Approved investigations shall be forwarded to the involved employee's Bureau Captain, or other person at the direction of the Chief or Assistant Chief, for review and determination of findings. The involved employee's Bureau Captain, or assigned person, will conduct findings for the alleged policy violation(s) and prepare a report for the Assistant Chief.

The Assistant Chief will have the responsibility to implement and/or recommend disposition, including discipline for Type II complaints, if determined appropriate by the Assistant Chief, per each employee's applicable Memorandum of Understanding. The Assistant Chief will notify the employee of the disposition and discipline if indicated.

##### **340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE**

In the event disciplinary action is recommended, consistent with all applicable Memorandum of Understandings, the Assistant Chief shall provide the employee with written ( ) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A statement that the employee has been provided with or given access to all of the materials considered by the Assistant Chief in recommending the proposed discipline.
- (c) An opportunity to respond orally or in writing to the Chief of Police if requested within seven days of receiving the 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.

## *Standards of Conduct*

---

### **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 response, the Chief of Police shall consider all information received in regard to the recommended discipline. A written decision shall be provided to the employee within 30 days, imposing, modifying, or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

### **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) and personnel rules.

## *Standards of Conduct*

---

### **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 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

---

## Information Technology Use

### 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

#### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Carlsbad Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 342.2 POLICY

It is the policy of the Carlsbad Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

### 342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Information Technology Use*

---

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **342.4 AGENCY PROPERTY**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

#### **342.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

#### **342.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Information Technology Use*

---

### **342.7 PROTECTION OF AGENCY SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

---

## Cyber-Incident Response

### 343.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a cyber-incident response capability including the formation of the Carlsbad Police Department Cyber Incident Response Team (CBPD-CIRT).

This policy applies to all employees of the Police Department and temporary personnel, volunteers, interns, or other individuals performing work on the Department's behalf. This policy governs all cyber security related incidents that happen to Departmental electronic information (data) and information systems including, but not limited to, City-owned cellular telephones, personal digital assistants (PDAs), smartphones, other mobile devices, computers/laptops, telecommunications devices, video and audio equipment, wireless networks, data systems telecommunications equipment, transmission devices, data processing or storage systems, computer systems, servers, networks, input/output and connecting devices, software, documentation, copiers, scanners and printers that supports electronic communications services.

#### 343.1.1 DEFINITIONS

##### CYBER-INCIDENT

A cyber Incident shall be defined as an assessed occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system; or the information the system processes, stores, or transmits; or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

A cyber incident may result in:

- (a) A failure of security controls related to information systems.
- (b) An attempted or actual compromise of information caused by malicious or accidental behavior.
- (c) The waste, fraud, abuse, loss, or damage of Government property or information.

##### DATA BREACH

A data breach is an incident in which sensitive, protected, or confidential data has been viewed, stolen, or used by an individual unauthorized to do so.

##### CRITICAL INFORMATION SYSTEM

Critical information systems shall be defined as any system or technology that processes, stores, or transmits sensitive information.

##### SENSITIVE INFORMATION

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cyber-Incident Response*

---

Sensitive information is any privileged or proprietary information which, if compromised through alteration, corruption, loss, misuse, or unauthorized disclosure, could cause serious harm to the Carlsbad Police Department. Sensitive information includes information with specific legal, regulatory or contractual requirements for protection, retention and breach reporting.

Sensitive information includes but is not limited to the following:

#### CRIMINAL JUSTICE INFORMATION (CJI)

Criminal Justice Information is the abstract term used to refer to all of the FBI CJIS and CA DOJ CLETS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property, and case/incident history data. In addition, CJI refers to the FBI CJIS-provided data necessary for civil agencies to perform their mission; including, but not limited to data used to make hiring decisions.

#### CRIMINAL HISTORY RECORD INFORMATION(CHRI)

Criminal History Record Information is a subset of CJI and is defined by Title 28, Part 20, Code of Federal Regulations (CFR).Criminal History Record Information means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

#### PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally Identifiable Information (PII) is information which can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name.

#### CARDHOLDER DATA(CHD)

Cardholder data is either the data from the full magnetic stripe of a credit or debit card or the primary account number plus any of the following: cardholder name, expiration date, or service code.

### **343.2 POLICY**

The Carlsbad Police Department is committed to the protection of sensitive data and preparation to respond in the event of a cyber incident. Cyber incident response is a critical component of the Department's technology operations and capabilities. Incidents require close coordination among

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cyber-Incident Response*

---

all affected operations and programs to ensure that the response is appropriate. The Carlsbad Police Department shall use the latest versions of the following guidelines and standards:

1. FBI Criminal Justice Information Services (CJIS) Security Policy
2. California DOJ CLETS Policy, Practices, and Procedure Manual
3. NIST SP 800-61 Computer Security Incident Handling Guide
4. NIST SP 800-83 Guide to Malware Incident Prevention and Handling
5. NIST SP 800-86 Guide to Integrating Forensic Techniques into Incident Response
6. San Diego County Cyber Disruption Response Plan

This plan will follow the Incident Response Life Cycle as defined in NIST SP800-61 revision 2, computer Security Incident Handling Guide. The follow figure illustrates the incident response life cycle.

#### **343.3 CARLSBAD POLICE DEPARTMENT CYBER-INCIDENT RESPONSE TEAM (CBPD-CIRT)**

The Carlsbad Police Department Cyber-Incident Response Team (CBPD-CIRT) is organized to develop, recommend and coordinate immediate mitigation actions for containment, eradication, recovery, and reporting resulting from computer security incidents.

- Prepare for possible cyber incidents
- Modify, detect and analyze possible cyber incidents
- Contain incidents; eradicate malicious software and configurations; and recover from cyber incidents.
- Tract cyber incidents
- Report cyber incidents as required

Police Chief is responsible to:

- Establish cyber incidents response policy, procedures, budget, and staffing

City Attorney is responsible to:

- Review incident response plans, policies, and procedures to ensure their compliance with law, including the right to privacy.
- Provide guidance should there be reason to believe that an incident may have reporting or legal ramifications, including evidence collection, prosecution of a suspect, or a lawsuit, or other binding agreements involving liability limitations for information sharing.

Employees are responsible to:

- Report any potential cyber incident immediately to the on call IT resource through contacting CBPD Dispatch at (760) 931-2197 and by sending an email to [PoliceInformationTechnology@carlsbadca.gov](mailto:PoliceInformationTechnology@carlsbadca.gov)

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Cyber-Incident Response*

---

Members of the CBPD-CIRT:

- Police Information Technology Senior Network Engineer (CBPD-CIRT Coordinator)
- Chief of Police, or his/her designee
- Public Safety Information Technology Manager
- Professional Standards Lieutenant (incumbent)
- Assistant city Attorney, or his/her designee

### **343.4 PREPARATION AND PLANNING FOR CYBER-INCIDENT**

#### **CYBER-INCIDENT RESPONSE TRAINING:**

The Carlsbad Police Department will train personnel in their cyber incident response roles and responsibilities with respect to the information system and provide refresher training at least annually.

cyber incident response training will include user training in the identification and reporting of suspicious activities, both from external and internal sources.

#### **CYBER-INCIDENT RESPONSE AND TESTING EXERCISE:**

The Carlsbad Police Department will conduct tests and/or exercises for the cyber incident response capability for sensitive information systems at least by-annually using automated and manual tests to determine the incident response effectiveness and document the results.

### **343.5 DETECTION AND ANALYSIS**

#### **DETECTION**

Monitor for security trends and alerts (DOJ Alerts, National Vulnerability Database, US-Cert, Cert/CC Vendor advisories and other public advisories). See Cyber-Incident Response Reference section of this document.

#### **EMPLOYEE REPORTING**

If an employee suspects or knows that sensitive information has been lost or disclosed to unauthorized parties, the employee should immediately notify the Cyber Incident Response Coordinator.

If an employee notices any significant errors or irregular activity related to information systems, the employee should report the problem to CBPD IT during business hours and the On-Call IT Support resource after hours, via CBPD Dispatch.

Employees should promptly report to Carlsbad Police IT any damage to or loss of the Carlsbad Police Department hardware, software, or information that has been entrusted to their care.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Cyber-Incident Response*

---

### ESCALATION

In the event of a suspected or known cyber incident, the following escalation procedures will be followed.

#### FOR OUTSIDE ASSISTANCE:

[Redacted text block]

### ANALYSIS

[Redacted text block]

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Cyber-Incident Response

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As soon as the CBPD-CIRT responds to an incident, they should immediately record all facts regarding the incident. As this information is being gathered, it should be recorded in the City's service management system.

### 343.5.1 DETERMINE CYBER-INCIDENT CATEGORY

The Incident Classification Framework in the following figure defines the current Carlsbad Police Department cyber incident categories.

Denial of Service (DoS)	An explicit attack on departmental systems that prevents or impairs the authorized use of networks, systems, or applications	Includes only those attacks that deny service to Departmental systems (i.e., inbound attack on systems or packet flood affecting systems that was a result of malicious code). [Includes distributed denial of service (DDoS) attacks]
-------------------------	--	--

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Cyber-Incident Response

---

Malicious Code	A virus, worm, Trojan horse, or other code-based malicious entity (e.g., mobile code) that infects City hosts.	Includes infections that result in an outbound Denial of Service attack that originates on Departmental networks and attacks external parties.
Unauthorized Access	A person gains logical or physical access without permission to a Departmental network, system, application, information, or other resource.	The emphasis is on human intervention that enables access and, therefore, this category does not include malicious code that gains system or user privileges.
Misuse	A person violates acceptable computing use policies.	This category would include accidental disclosures of information.
Multiple Component	An incident that falls into several incident categories at once and several exploit vulnerabilities are utilized (not just available).	<p>A virus that creates a backdoor should be handled as a malicious code incident, not an unauthorized access incident, because the malicious code was the only transmission mechanism used.</p> <p>A virus that creates a backdoor that has been used to gain unauthorized access should be treated as a multiple component incident because two transmission mechanisms were used</p>

#### 343.5.2 PRIORITIZATION AND PREVENTION

##### PRIORITIZATION

Prioritization should be based on the impact to Departmental business functions and information sensitivity.

- Functional impact, impact to Department's mission, public safety, recoverability, information sensitivity, and fiscal impact
- Impact may affect confidentiality, integrity or availability of Departmental information
- Size of the incident, widespread or localized



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cyber-Incident Response*

---

- Amount of downtime before recovery
- Impact to Departmental and City reputation

#### BUSINESS FUNCTION IMPACT

- No Impact: No effect on the Department's ability to provide all services to all users
- Low Impact: Minimal effect; the Department can still provide all critical services to all users but has lost efficiency
- Moderate Impact: The Department has lost the ability to provide a critical service to a subset of system users
- High Impact: The Department is no longer able to provide some critical services to any users

#### INFORMATION SENSITIVITY IMPACT

- None: No information was exfiltrated, changed, deleted, or otherwise compromised
- Privacy Breach: Sensitive information was accessed or exfiltrated
- Proprietary Breach: Proprietary information was accessed or exfiltrated
- Integrity Loss: Sensitive or proprietary information was changed or deleted
- Availability Loss: Sensitive or proprietary information was unavailable or inaccessible

#### PREVENTION

The Department has the following prevention detection tools in place to help prevent and detect a cyber incident.

- Regular vulnerability scanning
- Malicious Code protection and monitoring
- Firewall
- Host-based IPS/IDS
- Network traffic monitoring

### **343.6 CONTAINMENT, ERADICATION AND RECOVERY**

#### CONTAINMENT

Based upon the results of the CIRT initial analysis, determine the best way to stop the incident if it is still in progress. (The most common way to do this is to disconnect affected systems from the network. In some cases, firewall and router configurations may need to be modified to stop network traffic that is part of an incident, such as a denial of service (DoS) attack.)

## *Cyber-Incident Response*

---

### EVIDENCE COLLECTION

Preserve evidence from the incident. Make backups (preferably disk image backups, not file system backups) of affected systems. Make copies of log files that contain evidence related to the incident.

Although the primary reason for gathering evidence during an incident is to resolve the incident, it may also be needed for legal proceedings. If legal proceedings are possible, Departmental staff should maintain a chain of custody.[1] In addition, evidence should be collected according to procedures that meet all applicable laws and regulations that have been developed from previous discussions with legal staff and appropriate law enforcement agencies so that any evidence can be admissible in court.[2]

### ERADICATION

Wipe out all effects of the incident. This effort includes malware infections, inappropriate materials (e.g., pirated software), Trojan horse files, and any other changes made to systems by incidents. If a system has been fully compromised, rebuild it from scratch or restore it from a known good backup.

Identify and mitigate all vulnerabilities that were exploited. The incident may have occurred by taking advantage of vulnerabilities in operating systems or applications. It is critical to identify such vulnerabilities and eliminate, patch, or otherwise mitigate them so that the incident does not reoccur.

If containment and eradication are not possible with Departmental staff, contact additional resources.

### RECOVERY

Systems will not be placed back into operation until the CPD-CIRT is assured the incident will not reoccur.

Confirm that operations have been restored to normal. Make sure that data, applications, and other services affected by the incident have been returned to normal operations.

### RECOVERY SEVERITY

- Regular: Time to recovery is predictable with existing resources
- Supplemented: Time to recovery is predictable with additional resources
- Extended: Time to recovery is unpredictable; additional resources and outside help are needed

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Cyber-Incident Response*

---

- Not Recoverable: Recovery from the incident is not possible (e.g., sensitive data exfiltrated and posted publicly)

### 343.6.1 CYBER-INCIDENT TRACKING

#### CYBER-INCIDENT CATEGORIZATION

To track trends and meet reporting requirements, incidents shall be categorized by the guidelines published in NIST SP 800-61, Computer Security Incident Handling Guide.

#### CYBER-INCIDENT TRACKING PROCEDURES

Incident reports must include the following information:

- (a) Date of report
- (b) Date of incident
- (c) Point of contact
- (d) Location of incident
- (e) Systems affected
- (f) Method of detection
- (g) Nature of incident
- (h) Incident description
- (i) Actions taken
- (j) Resolution
- (k) List of evidence (if applicable)
- (l) Recovery Severity
- (m) Business Function Impact
- (n) Information Sensitivity Impact

#### CYBER-INCIDENT LOGGING

All cyber incidents will be tracked in the Carlsbad Police Department's Help Desk System, OSticket.

#### AFTER ACTION MEETING

After a major incident has been handled, the CBPD-CIRT will hold an after action meeting to review the effectiveness of the incident handling process and identify necessary improvements to existing security controls and practices.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Cyber-Incident Response*

---

After action meeting will also be held periodically for lesser incidents as time and resources permit.

### AFTER ACTION REPORT

A cyber incident after action report will be produced after either type of meeting and used for future reference.[3] This report should detail the incident handling process. It also should provide an executive summary of what happened and how a formal incident response capability would have helped to handle the situation, mitigate the risk, and limit the damage more quickly. The report will include recommendations to mitigate future incidents. (See Quality Assurance and Follow-up later in this document).

### EXTERNAL REPORTING

Specifics about the incident, such as details of vulnerabilities, is classified as confidential and must not be distributed to persons who do not have a demonstrable need to know.

Any public or press release of information concerning incidents will not contain explicit details.

Any such release of information must be approved by the Chief of Police.

### DEPARTMENT OF JUSTICE

Cyber incidents related to Criminal Justice Information (CJI) require reporting to FBI CJIS Division ISO. Appendix F of Criminal Justice Information Services (CJIS) Security Policy has the required IT Security Incident Response Form used for reporting such incidents. Copies of the IT Security Incident Response Form should be sent to FBI CJIS Division ISO:

George White

(FBI CJIS Division ISO)

1000 Custer Hollow Road

Clarksburg, WV 26306-0102

304) 625-5849

george.white@leo.gov

or

iso@leo.gov

### ADDITIONAL REPORTING

In some cases, cyber incidents may involve violations of Federal or State laws. Due to the evolving nature of laws, policies, and requirements regarding handling and reporting of information

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cyber-Incident Response*

---

and information system incidents, detailed procedures shall be maintained by the City Attorney's Office.

Reporting of security breaches related to PII will be handled by the Police Chief and City Manager in conjunction with the City Attorney's Office. Advanced notice will be given to the City Council.

Owners of attacking IP addresses may not be aware that they have been compromised and should be contacted so that they can respond appropriately. It may also be necessary to contact their Internet Service Providers as the attack may be a violation of their terms of service.

#### EVIDENCE RETENTION

Evidence from incidents should be retained for at least 1 year after the incident, unless the evidence has been placed on litigation hold. The City Attorney is responsible for determining the length of retention of evidence that may have other legal requirements.

#### QUALITY ASSURANCE FOLLOW-UP

Once an after action report has been created, the Information Technology Coordinator will determine appropriate controls to mitigate future incidents. Depending upon the cost and extent of such controls, appropriate approval processes will be followed.

The Information Technology Coordinator will monitor the effectiveness of said controls to determine the extent to which the controls are implemented correctly, operate as intended and produce the desired outcome.

#### **343.7 CYBER-INCIDENT RESPONSE REFERENCES**

##### THREAT INFORMATION

- MITRE Cyber Security <http://www.mitre.org/work/cybersecurity/>
- US-CERT Cyber-threats [http://www.us-cert.gov/control\\_systems/csthreats.html](http://www.us-cert.gov/control_systems/csthreats.html)
- CIA Publications <https://www.cia.gov/library/index.html>
- Internet Storm Center (ISC)<http://isc.sans.edu/>
- National Council of Information Sharing and Analysis Centers <http://www.isaccouncil.org/>

##### VULNERABILITY INFORMATION

- Common Vulnerabilities and Exposures <http://cve.mitre.org/>
- US-CERT Alerts <http://www.us-cert.gov/alerts-and-tips/>
- National Vulnerability Database <http://nvd.nist.gov/>

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Cyber-Incident Response*

---

- Common Weakness Enumeration <http://cwe.mitre.org/>

### INCIDENT RESPONSE ORGANIZATIONS

- Anti-Phishing Working Group (APWG) <http://www.antiphishing.org/>
- CERT® Coordination Center, Carnegie Mellon University (CERT®/CC) <http://www.cert.org/>
- Forum of Incident Response and Security Teams (FIRST) <http://www.first.org/>
- Government Forum of Incident Response and Security Teams (GFIRST) <http://www.us-cert.gov/government-users/gfirst.html>
- High Technology Crime Investigation Association (HTCIA) <http://www.htcia.org/>
- InfraGard <http://www.infragard.net/>
- US Computer Emergency Response Team (US-CERT) <http://www.us-cert.gov/>

---

# 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

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 344.1.2 REPORT PENDING

The purpose of this policy is to establish the report pending policy. In so doing, the department will assure accurate documentation in a timely manner.

Generally all reports should be completed prior to the end of each shift. If a report cannot be completed prior to the end of the shift, the reporting officer/employee must complete the basic information on the face page(s) of the crime, arrest and/or collision reports and attach all supporting documents, notes, statements, and teletypes.

Written authorization of a supervisor must be obtained on the department tracking sheet each day the report is pended. Additionally, the type of incident to be pended must adhere to conditions identified below for each type of report.

- (a) Reports that may not be pended are;
  - 1. Vehicle Storage/Impound Report (CHP 180).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Report Preparation

---

2. Evidence - All evidence and/or property must be properly processed and booked prior to EOS. Exceptions include:
  - (a) If arrangements have been made and approved by a supervisor to release found property to an owner/responsible party. Such exceptions shall be documented in the report.
  - (b) If special arrangements have been made for secure storage and approved by a supervisor. Such secure storage arrangements shall be documented in the report.
- (b) Report that may be pended one day are;
  - (a) Violent Felony
  - (b) Series Crime
  - (c) Child Abuse Incident
  - (d) 314.1 PC where the victim is a minor.
  - (e) 647.6 PC
    - (a) Conditions for above cases: Notification shall be made to the Investigations Lieutenant, COV Sergeant, General Investigations Sergeant and Family Services Sergeant via email. The notification shall give a brief description of circumstances, the case number and the location of the pended report (this should be in the watch pending basket).
  - (f) Traffic Collision Reports involving a fatal, major injury, city liability, and 20001 or 20002 where the suspect vehicle or other follow-up information has been located.
    - (a) Condition for collision reports: Notification shall be made to the Traffic Lieutenant, Traffic Sergeant, and both accident investigators via email. The notification shall give a brief description of circumstances, the case number and the location of the pended report (this should be in the watch pending basket).
- (c) Reports Pended over day(s) Off
  1. Generally reports will not be pended over an officer/employees day(s) off. The following are preferred actions to the pending of a report.
    - (a) In certain complex cases it might be beneficial to allow an officer to go home and sleep before returning to complete the report. In such cases, the officer will make arrangements with the Watch Commander to return within a certain time to complete their report. In those instances, the report must be reviewed and approved by a supervisor, prior to the officer leaving once the report has been completed. The officer should document the name of the Watch Commander granting permission to pend the report and the date the report is anticipated to be completed in the 'case log' in NET RMS.



## Report Preparation

---

- (b) Officers anticipating the need to pend a report over day(s) off should advise their supervisor early in the shift to assure adequate time for review and approval.

### **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. Senior and Disability Victimization Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

#### **344.2.2 NON-CRIMINAL ACTIVITY**

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

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Report Preparation*

---

- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor
- (k) Any incident involving an overdose

#### 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
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Report Preparation*

---

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 as required by CDPH (Penal Code § 23685).

#### **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

##### **344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of reports should be typed.

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. If a correction is necessary, the reviewing supervisor should return the report for correction. It shall be the responsibility of the originating to ensure that any report returned for correction is processed in a timely manner.

#### **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.

---

## Unmanned Aerial System (UAS ) Operations

### 345.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 345.2 DEFINITION

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

### 345.3 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

### 345.4 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### 345.5 REGULATORY MANAGER

The Chief of Police will appoint a regulatory manager who will be responsible for the management of the UAS program. The regulatory manager will ensure that policies and procedures conform to current laws, regulations and best practices. The regulatory manager shall ensure that established protocols are followed by monitoring and providing bi-annual reports on the program to the Chief of Police. These reports shall include flight documentation, program training, and verification that all documentation has been completed appropriately.

### 345.6 USE OF UAS

- (a) Prior to any flight, an operator shall verify that all FAA requirements are met.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Unmanned Aerial System (UAS ) Operations*

---

- (b) All authorized operators and required observers must have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

Prior to any flight, an operator shall perform the following:

- (a)
  - 1. Conduct a parts check to ensure that all parts on the UAS are in good serviceable order.
  - 2. Ensure that the remote controller, flight battery, and mobile devices are properly charged.
  - 3. Ensure that the camera and gimbal are clear from obstructions and operate correctly prior to flight.
  - 4. Ensure that the propellers are secured properly and that the motors and propellers operate normally.
  - 5. Ensure that all software associated with the UAS is current.
  - 6. Ensure that the flight area is outside of no-fly zones and flight conditions are suitable for flying.
  - 7. Ensure that the operator is not flying under the influence of alcohol, drugs, or other substance that could impair the operator's cognitive abilities.
- (c) Prior to flight all operators should use the appropriate UAS software checklist. If that checklist produces a total rating of 80 percent or greater for risk, the operator should get supervisor approval prior to flight.
- (d) After a completed flight, all operators shall conduct a post flight inspection that includes but is not limited to the following:
  - 1. Ensure that all power is off to the remote controller, flight battery and mobile devices.
  - 2. Inspect the drone for damage to include but not limited to landing gear, wiring to batteries, propellers and all connections.
  - 3. Download and transfer all recorded data to the appropriate storage medium and storage platform.
  - 4. Verify that all logs, checklists and risk assessments are completed.
- (e) Fully document all missions in a department approved manner.
- (f) Conduct maintenance and properly document these inspections to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- (g) Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest, or when in compliance with a search warrant, or court order or when exigent circumstances exist.

## *Unmanned Aerial System (UAS ) Operations*

---

- (h) UAS deployment should be considered when an aerial view would assist officers or incident commanders during the following:
  - 1. Accident investigations
  - 2. Missing person investigations
  - 3. Search and rescue operations
  - 4. Fires
  - 5. Disaster management
  - 6. Crime scenes
  - 7. Supporting criminal investigations
  - 8. Perimeter searches and security
  - 9. Enhanced situational awareness for officer and/or civilian safety
  - 10. UAS demonstrations
  - 11. Training

### **345.7 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- (a) To conduct random surveillance activities.
- (b) To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

### **345.8 MEDIA STORAGE**

All media will be stored in a secured area with access restricted to authorized persons. Recordings not otherwise needed for official reasons shall be retained for a period of not less than one year and thereafter should be erased with the written consent of the City Attorney. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures (Government Code 34090.6).

### **345.9 REVIEW OR RELEASE OF VIDEO IMAGES**

The review or the release of video images shall be done only with the authorization of the Chief of Police or his/her designee and only with the properly completed written request.

#### **345.9.1 PUBLIC OR OTHER AGENCY REQUEST**

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the Records Manager, who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Attorney's office. Video images captured by UAS cameras that are requested by the public or media will be made available only

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Unmanned Aerial System (UAS ) Operations*

---

to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigations in which a disposition has not been reached.

---

## News Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 346.2.1 MEDIA REQUEST

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

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### 346.3 MEDIA ACCESS

Authorized 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



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### News Media Relations

---

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 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 Records Division. 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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## News Media Relations

---

safety of any individual or jeopardize the successful completion of any ongoing investigation

- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

### 346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
  - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
- (c) Criminal history information
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (e) Information pertaining to pending litigation involving this department. Refer these inquiries to the City Attorney's Office.
- (f) Information obtained in confidence

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *News Media Relations*

---

- (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
- (h) Issues involving City Counsel decisions. Refer these issues to the City Communications Manager. They include topics that are upcoming or pending on the Counsel's agenda.

---

## Social Media Wanted Bulletin Policy

### 347.1 PURPOSE AND SCOPE

Social media can be a powerful communication tool for law enforcement agencies as they interact with the public that they serve. The use of social media sites to solicit the public's assistance to help identify suspects in crimes, and locate wanted or missing persons is a common law enforcement practice.

In cases where images of crime suspects or wanted persons are obtained, the Carlsbad Police Department may utilize social media to solicit the public's assistance to help identify suspects in crimes and to locate wanted and missing persons within the provisions of this policy.

### 347.2 RESPONSIBILITIES

It shall be the responsibility of the investigation's supervisor to authenticate any image or video associated with the crime. The authentication includes ensuring that the image is of a person of interest in the crime being investigated and that the crime is properly documented in an appropriate departmental report. The investigation's supervisor should also ensure that the image is of a quality that identification is possible.

### 347.3 APPROVAL FOR DISSEMINATION

Social media wanted bulletins shall only be disseminated by an investigation's supervisor. The investigation's supervisor shall be responsible for approving the content of the bulletin that will be disseminated. The investigation's supervisor shall insure that the disseminated bulletin contain specific directions for the public to follow if they desire to provide information to the department.

These directions should include a point of contact for the department, an applicable telephone number and/or email address. The investigation's supervisor shall be responsible for establishing a process for incoming/outgoing information related to the social media release.

The Public Information Officer (PIO) will be responsible for notifying/confirming with the investigation's supervisor of the readiness of the social media wanted bulletin prior to release. All bulletins disseminated upon approval of an investigation's supervisor, shall be at the direction of the department's Public Information Officer.

### 347.4 DOCUMENTATION

The approving investigations supervisor shall insure that the dissemination of all investigative bulletins via social media be documented in writing and attached to the criminal investigation, to include a copy of the disseminated bulletin.

It will be the responsibility of the approving investigations supervisor to insure that all responses received by the department, as a result of a disseminated bulletin, be thoroughly documented and investigated.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Social Media Wanted Bulletin Policy*

---

It will be the responsibility of the PIO to monitor applicable media platforms for potential investigative leads and communicate those leads to the approving investigations supervisor in a timely fashion.

### **347.5 UNAUTHORIZED INFORMATION**

Booking photos of an individual arrested on suspicion of committing a nonviolent crime shall not be released or shared on social media unless any of the following circumstances exist (as listed in Penal Code 13665):

- The department has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

For purposes of this section, a "nonviolent crime" is a crime identified in subdivision (c) of Penal Code section 667.5.

---

## Court Appearance And Subpoenas

### 348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

#### 348.1.1 DEFINITIONS

**On-Call** - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**Standby** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, provided with a predisposition minute order or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 348.2.1 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.

#### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Court Appearance And Subpoenas*

---

#### 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 master file of all accepted subpoenas.
- (b) 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

- (a) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee from the subpoena clerk and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the subpoena clerk with a specified reason for refusal as well as the dates when the officer will become available. It shall then become the responsibility of the named officer or employee to notify the assigned Deputy District Attorney or other attorney of record of the bona fide unavailability of the employee.
- (b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service.
- (c) If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual may refuse to accept service. (Penal Code § 1328(d)).
- (d) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance. (Penal Code § 1328(f))

#### 348.2.5 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 of any change in residence address or home phone number,

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Court Appearance And Subpoenas*

---

and to provide accurate and reasonably reliable means or methods for contact (Policy Manual section 1050).

If an employee on standby changes his/her location during the day, the employee shall notify the DDA handling the case how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

#### **348.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Carlsbad 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.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

##### **348.3.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

##### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

##### **348.3.3 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.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Court Appearance And Subpoenas*

---

#### **348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

##### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

##### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

#### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

##### **348.7.1 PRE HEARING NEGOTIATIONS**

###### **348.7.1 Testifying in Court, Depositions, and Hearings: Pre Hearing Negotiations**

a. Members shall not negotiate, directly or indirectly, any compromise or arrangement for the purpose of permitting any person to escape the penalty of the law; nor shall any member interfere with the courts justice.

b. When a citation is written and filed with the court, the case is under the court's jurisdiction. Aside from timely completing and filing a Notice of Correction (to correct a clerical error), Department

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Court Appearance And Subpoenas*

---

personnel have no authority to conduct pretrial negotiations, to change the charges, or work out a disposition of the case. If a Department member is subpoenaed for trial, he or she should appear at the time and place indicated on the subpoena, ready for trial. Once there, if a defendant or a defense attorney wishes to review the evidence with a Department member, it is permissible to do so for the purpose of confirming readiness for trial. If a Department member arrives at court and discovers he or she cannot proceed (no notes, no independent recollection, or missing evidence, for example), the Department member should advise the court so the court can take appropriate action.

## Reserve Officers

### 350.1 PURPOSE AND SCOPE

The Carlsbad 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 AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Carlsbad 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 and successfully completed the Carlsbad Police Department's Field Training Program. Police Reserve candidates who successfully passed all pre-employment procedures and are in the process of completing a POST approved basic academy or extended basic academy, or who will be sponsored as a Carlsbad Police Reserve officer in an approved basic academy or who are currently assigned to field training will be assigned to the Professional Standards and Services Division.

#### 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. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

#### 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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Reserve Officers*

---

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 Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

#### 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

#### 350.3.4 350.4.2 PRIMARY TRAINING OFFICER

### **350.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve officers will be assigned to the Professional Standards and Services Division and to a primary training officer. The primary training officer will be selected by the FTO coordinator. Field Training for reserve officers will be the same as Field Training for regular full time officers with the exception of a flexible training schedule. See Field Training Schedule for reserve police officers.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Reserve Officers*

---

#### 350.3.5 FIELD TRAINING SCHEDULE FOR RESERVE POICE OFFICER TRAINEES

#### **350.3.5 FIELD TRAINING SCHEDULE FOR RESERVE POLICE OFFICER TRAINEES**

The Carlsbad Police Department realizes that many of our Reserve Police Officers Trainees have part or full time employment outside of the Department. With consideration to that employment, the Department is willing to adjust the training schedule to meet the needs of both the trainee and the Department.

The training schedule should be scheduled within the following parameters:

- a. Work weeks during field training shall be at least 20 hours a week with a cap of 48 hours a week.
- b. All training hours shall be with the assigned Field Training Officer

The Departmnet would require advanced notice of any leave of absences from training that does not meet the above standards. Missing more than one week of training is discouraged. Missing two weeks or more consecutively must be approved by the Professional Standards and Services Sergeant.

All Reserve Police Trainees must complete their field training with 40 weeks. Injuries during training and extraordinary circumstances will be evaluated by the Professional Standards and Services Division for retention.

#### **350.4 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 Division Commander.

##### 350.4.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

##### 350.4.2 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.

##### 350.4.3 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Reserve Officers*

---

will be the standard identification card with the exception that "Reserve" will be indicated on the card.

#### 350.4.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

#### 350.4.5 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 Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

#### 350.4.6 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.

### **350.5 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.

#### 350.5.1 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.

#### 350.5.2 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Reserve Officers*

---

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.

#### **350.5.3 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:

- (a) All reserve officers are required to qualify at department scheduled firearm training
- (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 at scheduled firearm training, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

#### **350.6 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## RANGERS

### 351.1 PURPOSE AND SCOPE

The Carlsbad Police Department Ranger program was established to supplement and assist the Department in providing for a safe, clean, pleasant and sustainable visitor experience at City preserves, parks, trails, lagoons, open spaces and beaches.

### 351.2 DUTIES OF RANGERS

Rangers will provide a consistent visual law enforcement presence within the preserves, parks, trails, lagoons, open spaces and beaches. Rangers will perform duties to include the following in furtherance of the purpose of this program:

- (a) Perform patrol enforcement activities in preserves, beaches, lagoons, parks, trails, and open space areas, including but not limited to, patrolling by boat, vehicle, motorcycle, all-terrain motorized vehicle, bicycle and/or on foot
- (b) Assist disabled boats and promote safe recreation
- (c) Issue warnings or citations for observed violations
- (d) Receive and respond to citizen inquiries and requests for police services in person and by telephone or computer
- (e) Handle calls for service and communicate with the public
- (f) Take crime reports
- (g) interview victims and witnesses, screen and follow-up on investigations; refer victims to the appropriate community resources, provide information to the community regarding special events
- (h) Search for lost children, missing adults and evidence
- (i) Participate in community programs and initiatives

#### 351.2.1 POLICY COMPLIANCE

Rangers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each Ranger upon appointment and he/she shall become thoroughly familiar with these policies.

### 351.3 UNIFORM

[Rangers shall conform to all uniform regulation and appearance standards of this department.](#)

### 351.4 ENFORCEMENT PHILOSOPHY AND PROCEDURES

To maintain a safe, clean, pleasant and sustainable visitor experience on City lands, we are often required to make law enforcement contacts. The intent of Ranger law enforcement contacts is to keep them as non-confrontational as possible and to obtain compliance through education whenever possible.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### RANGERS

---

#### 351.4.1 ROLE OF THE RANGER

Rangers are expected to serve as a visual law enforcement presence with the intent to prevent or cease illegal acts. However, if a uniform presence does not prevent illegal acts, the Rangers may initiate an enforcement contact. Understanding the Rangers are not armed with lethal weapons and are not trained to the extent of a full service police officer, it is necessary to make sure that any enforcement action taken by a Ranger is safe for the employee, person contacted, and the community.

#### 351.4.2 LEVELS OF ENFORCEMENT ACTION

- (a) Education- Ranger informs the visitor of their inappropriate action, explains the regulation they are breaking and asks for voluntary compliance
- (b) Verbal Warning- For more serious infractions or for repeat offenders, a verbal warning may be used. This is used to inform the offender that they must refrain from some activity or they are subject to a more formal enforcement action
- (c) Written Warning- Ranger requests the offender's identification information and issues a written warning to the violator
- (d) Notice To Appear- Ranger requests the offender's identification information and issues a notice to appear to the violator.
- (e) Call for a Police Officer- If an offender behaves in a threatening manner, if the activity is being done by a group, or any other circumstance makes the Ranger feel in danger, the Ranger should request dispatch to have a police officer handle the situation.

#### 351.4.3 ISSUANCE OF A WRITTEN WARNING OR NOTICE TO APPEAR

The issuance of a written warning or notice to appear should be reserved for situations where verbal warnings or education are deemed to be insufficient by the Ranger. In the event that a Ranger intends to issue a written warning or notice to appear, the Ranger should take the following actions:

- (a) Advise dispatch of the location of the intended contact with the violator. The location of the intended contact shall only be locations that are easily identifiable and accessible if necessary by additional officers. Examples of appropriate locations for an intended contact would be adjacent to public or private streets, city parks, beaches, or trail heads. Examples of locations that would not be appropriate for intended contacts would be on trails within preserves and in parks or open space areas not readily visible and accessible to responding officers.
- (b) Obtain identification information of the person contacted and advise dispatch. Persons contacted by Rangers should be checked for warrants or other law enforcement alerts by dispatch. In the event a person contacted is found to be wanted, dispatch should assign a police officer to respond as soon as possible. The Ranger may decide to maintain the contact while awaiting the responding officer or terminate the contact for their safety. If a Ranger terminates a contact with a wanted person, the Ranger should advise dispatch of the person's description, vehicle description (if safely observed) and direction of travel if known.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### **RANGERS**

---

- (c) Upon completing the written document, the Ranger should have the offender sign the document. It is at the Ranger's discretion to call for a police officer for assistance.

#### **351.4.4 EXTENT OF RANGER'S AUTHORITY**

As non-sworn, limited Peace Officers, Ranger's authority is limited by state law and city policy.

Rangers report directly to the on-duty field supervisor within their assigned shifts regarding daily activities, enforcement, and overall direction. All citations Rangers issue are for infractions or misdemeanors and must be directly observed by the issuing Ranger.

Dispatch is to be notified for enforcement assistance for incidents the Ranger is not authorized to handle, or if the Ranger feels contacting the offender would compromise the Ranger's safety.

#### **351.4.5 PROHIBITED ACTIONS BY RANGERS**

For the safety of Rangers, the following acts are strictly prohibited by Rangers.

- (a) Conducting an enforcement contact of an occupied vehicle.
- (b) Pursuing a fleeing offender.
- (c) Taking action to physically subdue an offender. (This should not be confused with the ability of a Ranger to use whatever force is permitted under the Department's Use of Force Policy to protect themselves or others.)

#### **351.4.6 RANGER PROGRAM MANAGER RESPONSIBILITIES**

A lieutenant shall be appointed to manage the Ranger program as a collateral duty. The lieutenant will ensure that this policy is adhered to, services provided are meeting the needs of the community, the department is utilizing the appropriate staffing and resources for the program and provide direction to on-duty field supervisors and rangers as needed.

#### **351.5 USE OF CONDUCTED ENERGY DEVICES (TASER)**

The use of a Taser by a Ranger shall only be in protection of the Ranger or other person, when the Ranger reasonably believes that the Ranger or other person are in danger of imminent physical harm. The Taser may be used against another person or animal provided the Ranger reasonably believes there is danger of imminent physical harm to the Ranger or another person.

The Ranger shall comply with all applicable provisions of the Department's Conducted Energy Device policy.

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

The use of OC by a Ranger shall only be in protection of the Ranger or other person, when the Ranger reasonably believes that the Ranger or other person are in imminent physical harm. OC may be used against another person or animal provided the Ranger reasonably believes there is risk of imminent physical harm to the Ranger or another person.

The Ranger shall comply with all applicable provisions of the Department's Oleoresin Capsicum (OC) policy.

## 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 Carlsbad 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.

### 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, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 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 Carlsbad Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Outside Agency Assistance*

---

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **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 Administration Division 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.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Coordinator should maintain documentation that the appropriate members have received the required training.

## Inter-Agency Notification

### 353.1 PURPOSE

The nature of undercover narcotics investigations and the proliferation of task forces and teams involved in cross-jurisdictional surveillance and various types of enforcement emphasize the importance of an accepted protocol for inter-agency notifications. Equally important is the need for recognized procedures in the event of field contacts or confrontation between uniformed and plainclothes officers.

#### 353.1.1 POLICY

This policy shall address these two issues:

- (a) A protocol for the notification of planned events in another agency's jurisdiction.
- (b) Suggested procedures to follow in situations involving a field contact or confrontation between undercover officers and uniformed personnel.

#### 353.1.2 DEFINITIONS

- (a) A service agency is the law enforcement agency initiating an investigation or planned event that enters into another agency's jurisdiction.
- (b) A venue agency is that law enforcement agency having primary responsibility for the delivery of police services in a geographical area.
- (c) A planned event is a law enforcement activity which can be/is planned in advance, such as the service of a search or arrest warrant, a money or narcotic show, a protracted surveillance, etc.

#### 353.1.3 NOTIFICATION

Prior to a planned event, the service agency shall notify the venue agency in a timely manner of the proposed event. Notification will normally be to the venue agency's watch commander. Such notification should include:

- (a) The time and location of the planned event and the names of involved persons, if applicable.
- (b) The nature of the planned event, i.e., search warrant, etc.
- (c) An assessment of the potential for problems.
- (d) What assistance, if any, is or may be required of the venue agency.
- (e) Description of vehicles involved (suspect and police).

#### 353.1.4 NARCOTICS RELATED INVESTIGATIONS

The following additional steps shall be taken to avoid confrontation between law enforcement officers involved in narcotics-related cases and to reduce the overlap of investigative steps taken:

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Inter-Agency Notification*

---

- (a) Inquiry to Western States Information Network (WSIN).
- (b) Inquiry to the specific venue agency's narcotics division.
- (c) Inquiry to the San Diego County Integrated Narcotics Task Force.
  - 1. Once received, the venue agency is responsible for:
    - (a) Maintaining the confidentiality of the information.
    - (b) Any intradepartmental notification which they deem appropriate.
    - (c) Providing reasonable assistance, if requested.
  - 2. At the conclusion of the event, the service agency shall make an exit notification to advise of the event's termination. If possible, this notification should be to the same individuals or their relief.
  - 3. Should the event result in a noteworthy incident (e.g., a large seizure, arrest of a notable person, etc.), this information shall likewise be conveyed to the venue agency.
  - 4. Press notifications, if appropriate, should be handled by the service agency or jointly.

Special Note: The volume of warrants served by the San Diego Sheriff's Office (SDSO) and the geographical area they serve, makes it impractical for them to routinely follow this policy. If there is no reason to believe that the warrant they are about to serve will involve a subject known to currently be under investigation by another law enforcement agency or that the subject of the warrant has a significant propensity for violence, the SDSO is not required to notify local jurisdictions when they are serving arrest warrants.

### 353.1.5 FIELD CONTACT/CONFRONTATIONS

Because plainclothes/undercover officers are not readily identifiable as law enforcement officers, contacts between them and uniformed personnel include the potential for confrontation. The primary responsibility for avoiding or defusing this risk lies with the non-uniformed officer(s). Their actions and deportment when contacted by a uniformed officer is critically important. The following suggestions are intended to assist in avoiding or alleviating the tension possible in such contacts.

- (a) Where direct confrontation with suspects is anticipated, the officers involved in the contact should wear clothing (such as bright yellow raid jacket with the word POLICE clearly printed on it) that clearly identifies the officers.
- (b) When not clearly identified as a police officer, the undercover officer should carry his/her firearm well concealed rather than partially or completely exposed to view.
- (c) When stopped, undercover officers should identify themselves verbally and indicate where credentials and weapons are located.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Inter-Agency Notification*

---

- (d) Undercover officers shall follow the instructions of the uniformed officer explicitly and comply with any requests of the uniformed officer without hesitation.
- (e) Undercover officers shall avoid any sudden movement that could be interpreted as suspicious or threatening. They should also keep their hands in sight and open.
- (f) Undercover officers should be prepared to provide the phone number and name of a supervisor or other agency member who may be contacted for verification as requested by the uniformed officer.

### 353.1.6 UNPLANNED EVENTS

Recognizing the changing nature and direction that investigations may take, service agencies may find it necessary to enter into a venue agency's

jurisdiction without prior coordination. In such instances, the venue agency will be notified as soon as possible, conforming to above procedures.

---

# Departmental Operational Conditions

## 355.1 PURPOSE AND SCOPE

The purpose of this directive is to establish departmental protocol regarding defined Operational Conditions and the respective expectations of departmental divisions and units. Department personnel shall be familiar with and have an understanding as to what each Operational Condition entails respective to their position. In the event of a major incident that affects the availability of departmental resources, Operational Condition changes may be recommended by any on-duty personnel and require approval of the Watch Commander.

## 355.2 OPERATIONAL CONDITIONS DEFINED

### Operational Condition 1:

-All on-duty patrol personnel with the exception of 2 officers (designated by a Sergeant or Watch Commander) will respond to a location determined by the on-scene Incident Commander (unless directed to a particular location).

-All patrol officers currently assigned to a call at the time of activation of "Operational Condition 1" will expeditiously complete the call and be prepared to respond to calls throughout the city or to the staging location.

-All patrol officers not assigned to assist on the incident which necessitated the need for "Operational Condition 1" shall avoid proactive enforcement, but shall be observant for felonious conduct, life threatening emergencies and crimes in progress.

-All on-duty motor officers and Senior Volunteers (unless directed otherwise by the incident commander) will respond to a location determined by the Traffic Sergeant (unless directed elsewhere by the on scene Incident Commander).

-All on-duty detectives will respond to a location determined by the Investigations Lieutenant or his/her designee (unless directed elsewhere by the Incident Commander).

-Notification by Dispatch to Oceanside Police Department and San Diego Sheriff's Department (San Marcos, Encinitas, Vista offices) of a possible need for mutual aid (stand-by status) broadcast over LENC MND.

-Upon determination of need for mutual aid, the responding agency shall respond to priority 1 calls unless otherwise determined by Watch Commander or Dispatch Supervisor.

-Dispatch will initiate the emergency tone and broadcast "Operational Condition 1" on the Dispatch 1 radio channel and indicate that Dispatch 1 is reserved for "emergency traffic."

-Dispatch will broadcast on the Inquiry radio channel that Dispatch 1 is reserved for radio traffic regarding the incident resulting in "Operational Condition 1."



# Carlsbad Police Department

Carlsbad PD Policy Manual

## Departmental Operational Conditions

---

- All uninvolved officers shall make the Inquiry channel their primary channel unless otherwise indicated.
- Notification to the Operations Captain by the Watch Commander.
- Watch Commander shall consider recommending to the Operations Captain implementation of a mandatory 12-on/12-off patrol shift schedule.
- Dispatch will advise all priority 3 and 4 reporting parties to call back a minimum of 8 hours later, if not the following day.
- Personnel who have questions regarding their duties or any information regarding incident shall contact their immediate supervisor / chain of command.
- Notify the Public Information Officer (P.I.O.) with a brief of the incident to be broadcast via social media.
- Broadcast on "City Red" brief of incident so all city departments are aware.
- Reduction of "Operational Condition 1" to normal departmental operation is at the direction of the Watch Commander.
- Dispatch shall broadcast any change from "Operational Condition 1" on Dispatch 1 and Inquiry radio channels.

### Operational Condition 2:

- In the event of a non-critical however potentially resource-draining event (radio fail-soft, power loss to station, generator failure, etc.) "Operational Condition 2" can be recommended by any on-duty personnel at the approval of the Watch Commander.
- When activated, on-duty personnel will be advised via radio (if possible) or by cellular phone.
- On duty personnel will minimize self-initiated activity.
- On-duty personnel will minimize radio traffic.
- Priority 1 and 2 calls only will be dispatched
- Priority 3 and 4 reporting parties will be advised of possible extended response time and be afforded the opportunity to call back a minimum of 8 hours later if not the next day.
- Dispatch shall broadcast any change from "Operational Condition 2" on Dispatch 1 and Inquiry radio channels.

### Operational Condition 3:

- Normal departmental operations.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Departmental Operational Conditions*

---

The Operations Captain will be advised at the earliest convenience by Dispatch of any change in department Operational Condition.

### Priority Codes:

P1- Priority 1 - Life or death emergency

P2- Priority 2 - Emergency against person or property

P3- Priority 3 - Cold report

P4- Priority 4 - Informational or miscellaneous

## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Carlsbad 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 Carlsbad 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.

#### 356.2.1 LIMITATIONS ON EXTENDED RELEASE

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

### 356.3 REGISTRATION

The Investigative Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

#### 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 (Penal Code § 457.1; Penal Code § 290 et seq.).

### 356.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Registered Offender Information*

---

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigative Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Carlsbad 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 Carlsbad Police Department's website. Information on sex registrants placed on the Carlsbad Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

##### **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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Registered Offender Information*

---

- (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).

#### 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).

## Incident Notification

### 358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this department. It is critical that staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

### 358.2 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the Assistant Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive. A "common sense" approach also dictates which events require notification:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (See Policy Manual § 310.53 for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a Carlsbad official
- Arrest of Department employee or Carlsbad official
- Any Aircraft crash or disaster.
- In-custody deaths or deaths caused as a result of arrest.

### 358.3 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practical. In the event that the Watch Commander is off duty, it is the senior sergeant's (acting watch commander) responsibility to make the required notifications.

#### 358.3.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Operations Bureau Commander will be notified by the Watch Commander or acting Watch Commander (senior sergeant), who will then notify the Assistant Chief of Police. The Assistant Chief of Police will notify the Chief of Police. The Watch Commander or acting Watch Commander (senior sergeant) shall also notify the appropriate Detective Lieutenant if that division is affected.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Incident Notification*

---

#### 358.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on call Detective Supervisor shall be contacted who will then contact the appropriate detective.

#### 358.3.3 TRAFFIC BUREAU NOTIFICATION

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

#### 358.3.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer (PIO) shall be notified after members of staff have been notified that it appears the media may have a significant interest in the incident.

In the event that the incident does not rise to the level of PIO notification, the following guidelines apply to the Watch Commander or acting Watch Commander (senior sergeant) with respect to release of information to the media:

Homicides: Refer questions involving homicides to the Special Investigations Lieutenant or the PIO. Do not release any information regarding homicides without prior briefing from the COV supervisor or Special Investigations Lieutenant. However, basic information that a death occurred and the location are appropriate for release and that the investigation is underway. These written or verbal press releases should include the "talking points" so that if others in the Department are solicited for media information, the message from the Department is the same.

---

## 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. An officer and a sergeant will respond and 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 subdivision (e) of Section 1746 of the Health and Safety Code 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.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Death Investigation*

---

- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Death Investigation*

---

#### 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 Division 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Private Persons Arrests*

---

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.

---

## 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 Carlsbad 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 Carlsbad 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Limited English Proficiency Services*

---

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**

Carlsbad 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 Department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Limited English Proficiency Services*

---

#### **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 Human Resources Department 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.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Limited English Proficiency Services*

---

### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Limited English Proficiency Services*

---

#### **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Carlsbad 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 Communications 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Limited English Proficiency Services*

---

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 Professional Standards and Services Division Lieutenant.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Limited English Proficiency Services*

---

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 Coordinator 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 Coordinator 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 or they will be removed from the authorized interpreter list. This on-going training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the refresher training and will maintain a record of all training the interpreters have received.

# 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 Carlsbad 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

Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communications with Persons with Disabilities*

---

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

#### **370.4 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.

#### **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.

## *Communications with Persons with Disabilities*

---

- (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 Carlsbad 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**

Carlsbad Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **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:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communications with Persons with Disabilities*

---

- (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).

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



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communications with Persons with Disabilities*

---

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.

#### **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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communications with Persons with Disabilities*

---

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 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communications with Persons with Disabilities*

---

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 Professional Standards and Services Division Lieutenant.

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.

#### **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 Coordinator 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 Coordinator 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communications with Persons with Disabilities*

---

#### 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 Communications 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 § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

#### 372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

#### 372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Mandatory Employer Notification*

---

### **372.3 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).

## DNA Samples

### 374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

### 374.2 POLICY

The Carlsbad Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

### 374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

### 374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *DNA Samples*

---

- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

#### **374.5.1 VIDEO RECORDING**

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

#### **374.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

##### **374.6.1 DOCUMENTATION RELATED TO FORCE**

Supervisors shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

##### **374.6.2 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

##### **374.6.3 LITIGATION**

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

#### **374.7 LITIGATION**

The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.



## Chaplain Program

### 376.1 PURPOSE AND SCOPE

The Carlsbad 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) Possess a valid California Drivers License.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Chaplain Program*

---

### **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 or designee.
- (d) Successfully complete an appropriate level background investigation.

### **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.
- (n) Participating in in-service training classes.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Chaplain Program*

---

- (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 Carlsbad Police Department.

#### **376.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the department may work or volunteer for the Carlsbad 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 Carlsbad 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 Senior Chaplain and/or Watch Commander.
- (b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.
- (c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for meetings, act as chairman of all chaplain meetings, prepare monthly 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Chaplain Program*

---

#### **376.9 OPERATIONAL GUIDELINES**

- (a) Chaplains shall be permitted to ride with officers during any shift and observe Carlsbad Police Department operations, provided the Watch Commander has been notified and approved of the activity.
- (b) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (c) In responding to incidents, a chaplain shall never function as an officer.
- (d) 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.
- (e) Chaplains shall serve only within the jurisdiction of the Carlsbad Police Department unless otherwise authorized by the Chief of Police or his designee.
- (f) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

##### **376.9.1 UNIFORMS AND BADGES**

A distinct uniform and necessary safety equipment will be provided for the Chaplains.

---

## Special Event Guidelines

### 377.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the staffing and operation support for City special events.

### 377.2 OFFICER IN CHARGE

An officer will be assigned as the Officer In Charge (OIC) of each special event requiring police presence.

- (a) Eligibility: Any sworn officer, off probation, with approval of the traffic lieutenant may be assigned as the OIC of a special event.
- (b) Duties: The OIC is the Police Department's operational coordinator for the event.

### 377.3 SPECIFIC DUTIES OF OIC

- (a) Review of previous year(s) operation plan and after action reports. (These documents may be obtained from the City's Special Event Coordinator.)
- (b) Prepare, or update the Police Portion of the Operational Plan, to include:
- (c) Determine start and finish times and road closures, if any.
- (d) Determine the duties of each police employee assigned to the event.
- (e) Determine the duties of other city employees/support personnel assigned to police related activities.
- (f) Establish a minimum staffing level for the event.

### 377.4 EVENT STAFFING

- (a) [The OIC is responsible for establishing the minimum staffing requirements.](#)
- (b) [In order to meet the minimum staffing requirements the following process will be employed:](#)
  - (a) A minimum of 2 weeks notice or greater should be provided for mandatory overtime for special events when possible
  - (b) Employees who have pre-approved training, or pre-approved leave during the required mandatory overtime period would not be considered (see Policy 1056- Leave request)
  - (c) Officer will be identified for mandatory overtime based on scheduling availability and seniority as defined by the CPOA MOU. After an employee is required to work, they will go to the bottom of the seniority list. This is intended to prevent a low seniority employee from being required to work consecutive special events.
  - (d) The seniority list considered for mandatory overtime will be reset at the beginning of every calendar year.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Special Event Guidelines*

---

### **377.5 OIC RESPONSIBILITIES**

The OIC is responsible for all Police Department on scene decisions even though there might be higher ranking officers working the event.

### **377.6 OIC AFTER ACTION PLAN**

The OIC shall be responsible for the preparation of the police portion of the after action report. The after action report should include:

- (a) Problems and unusual incidents
- (b) Situations that need to be addressed, changed, or corrected for future events.

---

# Public Safety Video Surveillance System

## 378.1 PURPOSE AND SCOPE

The City of Carlsbad operates a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the City. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

## 378.2 POLICY

The Carlsbad Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 378.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 378.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the Watch Commander's Office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Watch Commander or the Communications Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety camera system to be set up at a location other than the Communications Center for monitoring by other than police personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending and prosecuting offenders.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Public Safety Video Surveillance System*

---

- (b) To assist in gathering evidence for criminal and civil court actions.
- (c) To help emergency services personnel maintain public order.
- (d) To monitor pedestrian and vehicle traffic activity.
- (e) To help improve the general environment on the public streets.
- (f) To assist in providing effective public services.

#### **378.3.2 CAMERA MARKINGS**

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

#### **378.3.3 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

#### **378.4 MEDIA STORAGE**

All media will be stored in a secure area with access restricted to authorized persons.

Recordings not otherwise needed for official reasons shall be retained for a period of not less than one year and thereafter should be erased with the written consent of the City Attorney. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures (Government Code § 34090.6).

#### **378.5 REVIEW OR RELEASE OR OF VIDEO IMAGES**

The review or the release of video images shall be done only with the authorization of the Chief of Police or his/her designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current departmental evidence procedures.

##### **378.5.1 PUBLIC AND OTHER AGENCY REQUESTS**

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the Records Manager, who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Attorney's office.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Public Safety Video Surveillance System*

---

Video images captured by public safety cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

#### **378.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM**

The Chief of Police or his/her designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

#### **378.7 TRAINING**

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

# Prescription Drug Drop Box

## 379.1 PRESCRIPTION DRUG DROP BOX PROGRAM

The Prescription Drug Drop Box Program (Program) provides a safe disposal location for citizens to properly dispose of unwanted, unused or expired prescription medications. This Program provides an environmentally safe alternative to disposing of medications in the landfill or sewer system, which may later negatively affect the environment. Additionally, this Program encourages citizens to remove unwanted, unused, and expired medications from their homes, thereby reducing access to potentially addictive medications for accidental or intentional misuse or theft.

## 379.2 PRESCRIPTION DRUG BOX INSTALLATION AND PUBLIC DROP-OFF PROCEDURES

The Police Department will provide a steel mailbox style collection box in which citizens may deposit prescription, non-over the counter medications. The following procedures will be adhered to regarding the installation of the Drug Drop Box (Drop Box) and disposal of controlled substance pharmaceuticals collected from the Drop Box:

- (a) The Drop Box will be clearly marked with the intended purpose.
- (b) The Drop Box shall be securely mounted to prohibit removal of the box.
- (c) The Drop Box shall be locked to prohibit retrieval of prescription medications without a key.
- (d) Citizens may anonymously place their unwanted, unused, or expired prescription medications into the Drop Box.
- (e) Medications in containers or prescription bottles can be placed directly into the Drop Box.
- (f) Medications without containers should be placed into plastic bags prior to placement in the Drop Box. Plastic zip lock style bags will be available to assist citizens with this process.
- (g) Syringes should not be placed into the Drop Box. A sharps container will be mounted next to the Drop Box for syringe collection.
- (h) Any containers of liquid prescription medication must be completely sealed.

## 379.3 RETRIEVAL AND DISPOSAL OF PRESCRIPTION (CONTROLLED SUBSTANCE) MEDICATIONS

A Property and Evidence Technician (P&E) Technician assigned to Property and Evidence shall be responsible for collecting the deposited prescription medications.

- (a) The P&E Tech will obtain the Drop Box key from the Property and Evidence Manager. The key will be stored in a secured area in the Property and Evidence Manager's office.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prescription Drug Drop Box*

---

- (b) The Property and Evidence Manager shall accompany the P&E Tech to retrieve the prescription medications from the Drop Box.
- (c) The collected prescription medications will be inspected for any hazards or non-medications, such as trash and syringes. Collected syringes shall be disposed of as according to the Carlsbad Fire Department Communicable Disease Directive.
- (d) The P&E Tech will obtain a gross weight for all collected prescription medication. The P&E Tech will box the prescription medications/drugs, document a general description of the contents, provide a weight of the contents, and place the prescription medications/drugs into evidence pending destruction.
- (e) A case number will be assigned to the collected prescription medications and the Property and Evidence Manager will complete an officers report in NetRMS.
- (f) The Drop Box will only be accessed by the assigned P&E Tech and the Property and Evidence Manager. Access shall occur only when both are present and no other staff shall have access to the Drop Box or key to the Drop Box.
- (g) The deposited prescription medications will be collected on a frequency deemed necessary based on Drop Box usage.
- (h) All collected medications will be destroyed by incineration using existing destruction procedures (Carlsbad Police Department Property and Evidence Manual). Personal protective equipment is available for use during the collection of the Drop Box contents as specified in the Carlsbad Police Department Property and Evidence Manual.

## Radio Call Numbers

### 380.1 PURPOSE AND SCOPE

The purpose of this order is to articulate radio call numbers for Department personnel.

#### 380.1.1 ADMINISTRATION

Chief of Police	1C
Assistant Chief of Police	2C
Senior Captain	3C
Junior Captain	4C
Professional Standards and Services Lieutenant	AL
Professional Standards and Services Sergeant	AS
Community Relations Manager	1D

#### 380.1.2 PATROL DIVISION

The call signs for the Patrol Division are as follows:

	<u>D1</u>	<u>E1</u>	<u>D2</u>	<u>E2</u>
Lieutenant	1L	2L	3L	4L
Sergeant	11S	21S	31S	41S
Sergeant	12S	22S	32S	42S
Acting Sergeant	13S	23S	33S	43S
Beat 1	11P/11E	21P/21E	31P/31E	41P/41E
Beat 2	12P/12E	22P/22E	32P/32E	42P/42E
Beat 3	13P/13E	23P/23E	33P/33E	43P/43E
Beat 4	14P/14E	24P/24E	34P/34E	44P/44E
Beat 5	15P/15E	25P/25E	35P/35E	45P/45E
Beat 6	16P/16E	26P/26E	36P/36E	46P/46E
Beat 7	17P/17E	27P/27E	37P/37E	47P/47E
Beat 8	18P/18E	28P/28E	38P/38E	48P/48E
K9	1K	2K	3K	4K
CSO's	1Z/5Z	2Z/5Z	3Z/6Z	4Z/6Z
CST Sergeant			1GS	
CST Officers			1G-3G	
Homeless Outreach Team Sergeant			1HS	
Homeless Outreach Team			1H-4H	

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Radio Call Numbers

---

Police Ranger	1X-3X
---------------	-------

#### 380.1.2 TRAFFIC DIVISION

The call signs for the Traffic Division are as follows:

Lieutenant	TL
Traffic Sergeant	TS
Motor Sergeant	MS
Accident Investigators	1T - 2T
Motor Officers	1M - 10M
Patrol DUI Officers/Officer	3T-8T
Traffic CSO	21Z

#### 380.1.3 INVESTIGATIONS DIVISION

Lieutenant General Investigations	11L
Lieutenant Special Investigations	21L
General Investigations Sergeant	11S
Family Services Sergeant	21S
Crimes of Violence Sergeant	31S
Detectives	1I - 25I
Vice/Narcotics Sergeant	NS
Vice/Narcotics Detectives	1N - 5N
Task Force Detectives	6N - 10N
SRO's	1J - 10J
Investigation CSO's	31Z - 34Z
Evidence & Fingerprint Specialists	1F - 9F

#### 380.1.4 OTHER UNITS

The following call signs will be used for the listed duties:

Mall Detail	1Y - 2Y
Bar Detail	3Y - 6Y
Special Details	As assigned
SWAT, CNT, Range	As assigned

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Radio Call Numbers

---

Reserve Officers	1R - 10R
Explorers	As assigned

The following call signs will be used for the Senior Volunteer Patrol program:

SVP North	1V
SVP South	2V
SVP Other	3V

### 380.1.5 OVERVIEW

A - Prof Standards & Services Division	N - Vice/Narcotics
B - Bicycle Unit	O - Special Assignments
C - Command Staff	P - Patrol Division
D - Community Relations Manager	Q - Not Used
E - Patrol (Extra)Division	R - Reserve Officers
F - Evidence & Fingerprint Specialists	S - Sergeants
	T - Traffic Division
G-Crime Suppression Team	
H - Homeless Out Reach Team	U - Not Used
I - Investigations Division	V - Senior Volunteer Patrol
J - School Resource Officers	W - PERT
K - K9 Officers	X - Police Ranger
L - Lieutenants	Y - Special Details
M - Motor Officers	Z - Community ServiceOfficers

### 380.2 SECTION TITLE

# Trauma Intervention Program

## 381.1 PURPOSE AND SCOPE

The purpose of the Trauma Intervention Program is to provide a service to citizens of the community who are suffering emotional or psychological trauma or stress as the result of being victims of crimes, accidents, personal or family problems.

The objective of the Trauma Intervention Program is to provide immediate assistance to persons suffering emotional or psychological trauma or stress in order to resolve the problem quickly and efficiently so field officers can return to their field duties as soon as possible and not have to return to the scene of future calls.

The Trauma Intervention Program is a joint endeavor by the Carlsbad Police Department and the San Diego County Department of Mental Health. The operations commander will be the coordinator and liaison officer within the police department. Trauma intervention situations may be divided into two categories:

- Cases that will require follow-up through the court system, and
- Cases that generally do not result in prosecution, but may involve referrals to trained counselors or volunteers.

Certain cases may involve minor crimes and/or personal problems, but usually do not result in prosecution. These cases will be handled by Trauma Intervention Program counselors if possible. Examples include, but are not limited to:

- Family disputes
- Runaways
- Juvenile programs
- Incurable children
- Death
- Suicide/Attempt suicide
- Depressed, upset or hysterical persons
- Persons in need of shelter/food
- Neighborhood disputes
- Victims of crimes or accidents in which emotional/psychological trauma or stress is involved.

In order to insure the safety of volunteers participating in the Trauma Intervention Program, counselors will not be utilized in cases of seriously mentally disturbed persons (5150's) or in cases where the person is still under the influence of alcohol or drugs. They will also not be utilized if weapons are involved.

## *Trauma Intervention Program*

---

### **381.2 PROCEDURE**

- (a) A field officer or officers will respond to the initial call for assistance and assess the situation. If the responding officers can resolve the problem, they should do so and then resume patrol duties.
- (b) However, if it appears that the person is in need of counseling, the field officer will advise the citizen of the existence of the Trauma Intervention Program and of the help that is available. If the person is agreeable to counseling, the officer will call for such assistance.
- (c) Call for a Trauma Intervention Counselor in cases that are not to be processed through the court system.
- (d) The victim will be informed about the availability of help from trained volunteers in the County Trauma Intervention Program and be allowed to request the type of assistance desired.
- (e) Trauma Intervention Program personnel are assigned to a call-out list that is kept by the Carlsbad Police Department dispatch center. If a counselor is called, the officer will remain at the scene until both he/she and the counselor are satisfied that the officer can leave the counselor alone with the persons involved. If the person does not desire counseling, the officer will handle the case as the circumstances dictate.
- (f) In cases of stress, the person should be encouraged to call the department for assistance if they later need it, or in cases of minor law violations, the person will be advised of the appropriate legal resources.
- (g) Referrals Counselors may set up future meetings with the persons involved if they feel it is necessary, or may refer the persons to other social service agencies if they feel there is a need to do so.

### **381.3 TRAINING**

All persons participating in the Trauma Intervention Program will be required to complete required training approved by the department.

### **381.4 DOCUMENTATION AND STATISTICS**

Trauma Intervention volunteers will be required to document each case where assistance is rendered and submit the documentation to the coordinator(s) of the County Mental Health Office. They, in turn, will submit monthly statistics to the police department coordinator/liason officer.

### **381.5 UTILIZATION OF THE PROGRAM**

Officers are encouraged to watch for opportunities to offer this assistance to persons in need of counseling. By doing so, the officer can help the citizen while, at the same time, freeing himself from having to spend lengthy amounts of his time at the scene or returning to future calls.



Carlsbad Police Department  
Carlsbad PD Policy Manual

*Trauma Intervention Program*

---

## Child and Dependent Adult Safety

### 382.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

### 382.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Carlsbad 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.

### 382.3 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child and Dependent Adult Safety*

---

#### 382.3.1 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.

#### 382.3.2 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)).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Child and Dependent Adult Safety*

---

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.

#### 382.3.3 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

#### **382.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **382.5 TRAINING**

The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Child and Dependent Adult Safety*

---

training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

## Official Action

### **383.1 PURPOSE AND SCOPE**

Employees shall not conduct any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the situation requires immediate police action.

## Service Animals

### 384.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

### 384.2 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).

#### 384.2.1 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.

### 384.3 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Service Animals*

---

individuals with service animals with the same courtesy and respect that the Carlsbad 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.



## Radio Emergency Activation Protocol

### 385.1 PURPOSE AND SCOPE

The purpose of this policy is to establish Department protocol when the emergency button is activated by an employee.

### 385.2 PROTOCOL

When determining the best response to an emergency activation on the Department radio system, employees must consider the balance between the knowledge that almost all emergency activations are accidental, and the critical need in the rare situation when there is a valid activation.

It is the policy of the Department that all emergency activations shall be treated as valid until evidence to the contrary is received.

When an emergency activation occurs, dispatch will immediately go emergency traffic and advise the officer to go ahead with his/her emergency traffic. Dispatch will acknowledge officer's response by sending appropriate cover units or acknowledging the accidental activation. If there is no response from the officer, dispatch will send two units code 3 (to the last known location of the officer with the emergency activation) and initiate the 11-52 procedure. Responding units will continue their response for assistance until canceled by dispatch.

#### 385.2.1 OFFICER RESPONSE

Officers verbally responding to a dispatch inquiry of 11-52 shall respond only with, Affirmative and their ARJIS/badge number, (i.e., "Affirmative 5137"). Any response other than this requires continued response of police units. Dispatch should not continually repeat "11-52" to the officer in the emergency situation in case a true emergency exists.

# Volunteer Program

## **386.1 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.

### **386.1.1 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.

## **386.2 VOLUNTEER MANAGEMENT**

### **386.2.1 VOLUNTEER COORDINATOR**

The Volunteer Coordinator shall be appointed by the Administration Division 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Volunteer Program*

---

- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 386.2.2 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.

#### 386.2.3 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.

#### 386.2.4 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Volunteer Program*

---

#### 386.2.5 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.

#### 386.2.6 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.

#### 386.2.7 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Volunteer Program*

---

#### **386.3 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.

#### **386.4 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 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.

#### **386.5 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Volunteer Program*

---

#### 386.5.1 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.

#### 386.5.2 RADIO AND MCT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

### **386.6 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.

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.

#### 386.6.1 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.

### **386.7 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

### 388.1 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 Carlsbad Police Department with respect to taking law enforcement action while off-duty.

### 388.2 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.

### 388.3 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 and 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.

### 388.4 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Off-Duty Law Enforcement Actions*

---

- (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.

#### **388.4.1 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 Carlsbad Police Department officer until acknowledged. Official identification should also be displayed.

#### **388.4.2 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.

#### **388.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn 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.

#### **388.4.4 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.

#### **388.5 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.



---

## Illness and Injury Protection Program

### 390.1 PURPOSE AND SCOPE

The health and safety of the employees of the Carlsbad Police Department is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Carlsbad Police Department, in accordance with the requirements of 8 CCR § 3203 and City of Carlsbad Administrative Order #6. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

### 390.2 COMPLIANCE

The Professional Standards and Services (PSSD) Lieutenant is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administration Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

- (a) Informing workers of the provisions of the IIPP.
- (b) Recognizing employees who perform safe work practices.
- (c) Ensuring that the employee evaluation process includes the employee's safety performance.
- (d) Ensuring the Department's compliance with mandates regarding:
  1. Bloodborne pathogens (8 CCR § 5193).
  2. Airborne transmissible diseases (8 CCR § 5199).
  3. Heat illness (8 CCR § 3395).
  4. Respiratory protection (8 CCR § 5144).

Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

## Squad Inspection Reports

### **391.1 PURPOSE AND SCOPE**

The purpose of this directive is to establish department protocol and to delineate supervisory responsibilities after a squad inspection is conducted. Squad Inspections should be conducted quarterly.

### **391.2 INSPECTION REPORT PROTOCOL**

- (a) The hard copy should be reviewed by the Patrol Operations Captain and any issues noted should be forwarded to the appropriate Watch Supervisor.
- (b) The hard copy is placed in the officer's Evaluation File.
- (c) Patrol Sergeants and Lieutenants can refer to the officer's Evaluation File for purposes of detecting a history of an officer's uniform and equipment maintenance.

---

## Police Funeral Response

### **393.1 PURPOSE AND SCOPE: THE PURPOSE OF THIS PROTOCOL IS TO ASSURE CONSISTENT RESPONSES TO POLICE FUNERALS BY MEMBERS OF THE CARLSBAD POLICE DEPARTMENT.**

Protocol: The Carlsbad Police Department will make every effort to honor law enforcement officers who are killed in the line of duty. In doing so we will respond as follows:

Funerals in San Diego County:

The department will attempt to accommodate as many officers that want to attend the funeral.

a. Funerals in Southern California:

For the purposes of this policy, Southern California will be described as the counties of Ventura, Los Angeles, San Bernardino, Riverside, Orange, and Imperial.

The department will attempt to accommodate a minimum of eight officers in two marked police vehicles to attend police funerals in the Southern California region. Officers will be expected to drive to and from the funeral on the date of the event.

b. Funerals outside of Southern California:

The department will attempt to accommodate a minimum of four officers in one marked police vehicle to attend police funerals outside of the Southern California region.

c. Attending Officers:

In the event of desired attendance by more sworn employees than can be accommodated by the department, rank and seniority as defined by the CPOA MOU shall prevail in selecting the employees who will attend the funeral. However, if an employee has already attended a funeral during their regular scheduled work day, during the current calendar year, the opportunity to attend will be offered to the next senior employee.

d. Uniforms:

All Carlsbad Police Officer attending police funerals shall do so in class A uniform. This includes members of the detective division and CSOs. It shall be the responsibility of the ranking officer in attendance to inspect each officer in attendance to assure that they are in proper uniform and meet the grooming standards of the department. Officers who do not meet the department's uniform/grooming standards shall correct their deficiency or not attend the event.

e. Vehicles:

The department will make available marked vehicles that are not equipped with prisoner cages for use by officers attending funerals. The ranking officer in attendance shall assure that each vehicle is clean and presentable prior to departing for the event. The department will provide for fuel and vehicle expenses related to department owned vehicles.

f. Compensation:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Police Funeral Response*

---

Officers will not be paid overtime when voluntarily attending a funeral..

If an employee is travelling to or from a funeral, or attending a funeral during a regularly scheduled work-day, with their supervisor's prior approval, the employee will be compensated as a regular work day.If the employee's time spent transporting to or from a funeral exceeds thier regular scheduled work day, no additional compensation will be made to the employee.

If an employee is voluntarily travelling to or from a funeral during a regularly scheduled day-off, the employee will receive no compensation, flex time or release time for time spent in transit.

If an employee is voluntarily attending a funeral during a regularly scheduled day-off, the employee will receive flex-time compensation for actual time spent at the funeral, representing the department.Flex-time will be time-for-time, and must be preapproved by the employee's supervisor.The flextime should be applied during the same pay period as the funeral attendance.

#### EXAMPLE:

If an employee voluntarily attends a funeral on a regularly scheduled day off, and if the employee gets prior approval from their supervisor the following will occur:

- Employee will not be compensated for travel time to or from the funeral, regardless if the employee is allowed to utilize a department vehicle for transit.
- Employee will be granted flex-time for the actual hours spent at the funeral, representing the department.

If the employee is required to attend a funeral at the direction of the department, the employee will be compensated in accordance with the negotiated MOU.

All expenses, travel, meals, accommodation, etc., are the responsibility of the employee when voluntarily attending a funeral with the exception of fuel for department owned vehicles and any maintenance expenses for a department owned vehicle.The department will provide fuel for department vehicles.

Except as outline in the Department's Vehicle Use Policy, Section 706, officers shall not perform work while traveling to or from a funeral, and/or while in a marked vehicle. In the event that enforcement action is taken as stated in 706.6, officers shall notify their supervisor and be compensated for all hours worked related to the enforcement action.

g. Communication:

The Operations Captain will be responsible for distributing funeral information and communicating the Chief's response expectations. The Traffic Division Lieutenant will be the department point of contact for all officers who are participating or interested in participating.

#### h. Out-of-State Funeral:

Nothing in this protocol is intended to discourage or disapprove attendance at the funeral of a police officer or police employee out of state when the decedent is a family member, family friend, or academy mate, etc, of a member of the Department. In these instances, a member of the

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Police Funeral Response*

---

Department may request permission from his Division Commander to attend the funeral in Class "A" police uniform. All expenses, travel, meals, accommodations, etc are the responsibility of the employee.

If the member receives approval to attend the funeral in Class "A" police uniform, he/she shall be compensated for actual time spent at the funeral, representing the department, as set forth in Section f., above.

## Department Use of Social Media

### 394.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 394.1.1 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

### 394.2 POLICY

The Carlsbad 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.

### 394.3 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.

### 394.4 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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Department Use of Social Media*

---

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### **394.4.1 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.

### **394.5 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 Carlsbad 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.

#### **394.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Department Use of Social Media*

---

The Department may provide a method for members of the public to contact department members directly.

### **394.6 UNAUTHORIZED INFORMATION**

Booking photos of an individual arrested on suspicion of committing a nonviolent crime shall not be released or shared on social media unless any of the following circumstances exist (per Penal Code 13665):

- The department has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

For purposes of this section, a "nonviolent crime" is a crime identified in subdivision (c) of Penal Code section 667.5.

### **394.7 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.

### **394.8 RETENTION OF RECORDS**

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **394.9 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

### 395.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

#### 395.1.1 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).

### 395.2 POLICY

It is the policy of the Carlsbad Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

### 395.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

#### 395.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

## *Gun Violence Restraining Orders*

---

- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

### **395.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS**

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager 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.

#### **395.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

## *Gun Violence Restraining Orders*

---

### **395.5 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.
  - 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.

### **395.6 RECORDS MANAGER RESPONSIBILITIES**

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Gun Violence Restraining Orders*

---

### **395.7 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.

### **395.8 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.

### **395.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
  1. A temporary emergency gun violence restraining order.
  2. An ex parte gun violence restraining order.
  3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
  1. Whether threats have been made, and if so, whether the threats are credible and specific.
  2. Whether the potential victim is within close proximity.
  3. Whether the person has expressed suicidal tendencies.
  4. Whether the person has access to firearms.
  5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
  6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Gun Violence Restraining Orders*

---

7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
  2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
  3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
  4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
  5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Coordinator to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

#### **395.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Investigative Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

#### **395.11 POLICY AVAILABILITY**

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Gun Violence Restraining Orders*

---

### **395.12 TRAINING**

The Training Coordinator should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

## Chapter 4 - Patrol Operations

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

#### 400.1.1 PATROL VEHICLE INSPECTION

Officers will conduct a pre-shift inspection of their patrol vehicle. This inspection will include:

1. Confirmation that the vehicle is stocked with all mandated equipment
2. The patrol rifle will be removed from the vehicle and inspected to ensure that it is patrol ready
3. The shotgun will be removed from the vehicle and a 5 point safety check of the weapon will be conducted
4. The patrol rifle and shotgun will be replaced into the racks and the locking mechanisms will be checked
5. The vehicle will be checked for contraband
6. The vehicle will be checked for any damage " all damage will be reported to a supervisor and logged into the vehicle damage log book

Officers will enter into their unit history that a pre-shift vehicle inspection was completed.

### 400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

### 400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Patrol Function*

---

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

#### **400.4 POLICY**

The Carlsbad Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

#### **400.5 FUNCTION**

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Carlsbad. 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.

## Bias-Based Policing-RIPA Compliance

### 402.1 PURPOSE AND SCOPE

The Racial and Identity Profiling Act of 2015 (hereinafter referred to as RIPA), requires local law enforcement agencies to collect perceived demographic and other detailed data regarding individuals detained or searched by peace officers. For the purposes of this law, “peace officer” is as defined by Penal Code § 830 and 832. RIPA was passed into law and codified in Government Code section 12525.5, Penal Code sections 13012 and 13519.4, and as part of Title 11, Division 1, Chapter 19, of the California Code of Regulations. This collected data is required to be submitted to the California Department of Justice on a periodic basis.

It is the intent of the Department to gather and report the required data and no part of this policy should be interpreted in a way to conflict with any currently existing law. The Department's RIPA Stop Data Collection Application may be modified as needed to maintain compliance with required data reporting.

Bias-based policing undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Bias-based policing alienates the community, fosters community distrust of law enforcement, and invites media scrutiny, legislative action, and judicial intervention. The Department neither condones nor tolerates the use of bias-based policing.

Discriminatory conduct based on race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, or disability while performing any law enforcement activity is prohibited. All law enforcement contacts and activities, including, but not limited to, calls for service, investigations, law enforcement-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts. All law enforcement action taken shall **be consistent with the standards of reasonable suspicion or probable cause as required by federal and state law.**

**Failure to comply with this policy is counterproductive to professional law enforcement and is an act of misconduct, which is subject to discipline. Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established policy and procedure.**

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-Based Policing** means conduct by peace officers motivated, implicitly or explicitly, by the officer's beliefs about someone based on the person's actual or perceived personal characteristics, i.e., race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bias-Based Policing-RIPA Compliance*

---

**Consensual search** means any search that occurs when a person gives an officer consent or permission to search the person or the person's property. Consent can be given in writing or verbally or may be implied by conduct. (11 CCR § 999.224).

**Designee** a person who has been designated or selected by the primary officer.

**Detention** means a seizure of a person's body by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer. (11 CCR § 999.224)

**Encounter** means a detention or traffic stop where the officer initiates activity based solely on the officer's own observations or the observations and direction of another officer, rather than on information provided by dispatch or reported by a member of the public.

**Gender Identity** means an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender-identity, regardless of the individual's assigned sex at birth.

**Location** means the hundred block where the encounter occurred, or the closest intersection thereto.

**Officer** means a peace officer as defined by Penal Code § 830 and 832, employed by the Carlsbad Police Department.

**Primary Officer** means the principal officer when one or more officers are assisting on the detention and/or search.

**Search** means a search of a person's body or property in the person's possession or control and includes a pat-down search of a person's outer clothing as well as a consensual search. (11 CCR § 999.224)

**Stop** means any detention by an officer of a person or any officer interaction with a person in which the officer conducts a search, including a consensual search of the person's body or property in the person's possession or control, and includes a pat-down search of a person's outer clothing. (Govt. Code § 12525.5(g)(2); 11 CCR § 999.224).

**Traffic Stop** means an interaction between an officer and an individual driving a vehicle, in which the officer orders the individual to stop the vehicle.

**Use of Force** means an officer's use of force on an individual that is required to be reported by Department Policy § 300.

#### **402.2 DATA COLLECTION REQUIREMENT**

Every officer is required to complete a RIPA report following interactions described in section 402.4 of this order. Officers must report their perceptions of specified characteristics when an individual is detained, searched, or has their property searched. An officer's perception shall be based

## *Bias-Based Policing-RIPA Compliance*

---

on their personal observations and interactions with the individual detained. The officer shall not ask the individual any additional identifying questions, refer to their driver's license or identification card, or ask another individual for information which would verify the identity of the individual detained.

### **402.3 PERSONAL IDENTIFYING INFORMATION**

In no circumstance shall an officer include any individual's personal identifying information or Unique Identifying Information of any officer into a RIPA report. "Unique Identifying Information" means personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b).

### **402.4 REPORTABLE INTERACTIONS AND ENCOUNTERS WITH THE PUBLIC**

The Primary Officer or his/her designee shall complete a RIPA report for every person detained or searched or when property in their possession is searched regardless of the initial reason for the encounter, unless it falls under an exception listed in this order. Officers shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so, and with a supervisor's permission. In such circumstances, the data shall be completed as soon as practicable.

#### **402.4.1 DATA COLLECTION AND REPORTING**

The following information will be collected for each stop:

- Date/Time/Duration
- Location
- Reason
- A response to or while conducting an investigation as a result of a call for service?  
Yes/No
- Actions taken during stop, including, but not limited to:
  - Whether asked for consent search / Whether consent was provided
  - Whether search took place / Basis for search / Result of search
  - Whether property was seized / Type of property / Basis for seizure
  - Curbside detention, handcuffed/flex-cuffed, firearm pointed at person, firearm discharged or used.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bias-Based Policing-RIPA Compliance*

---

- Includes Action taken based on individual suspicion or personal characteristics during traffic control, crowd control, underage drinking detentions, DUI checkpoints.
- Result or Disposition (e.g., warning, citation, arrest)
  - This includes the language of the warning or offense cited/charged.
- Perceived race/ethnicity, gender and age
  - This information shall be based on the officer's personal observation only. This information shall not be requested and shall not be based on the information in the person's driver's license or other identification.
  - Vehicle Stops: Only applies to driver unless actions above are taken for passenger.
- Perceived LGBT
  - This information shall be based on the officer's personal observation only. This information shall not be requested.
- Limited to no English Fluency, if applicable
- Perceived or Known Disability
  - This information shall be based on the officer's perception or knowledge that the person stopped has a disability.
- Officer Information
  - Years of Experience
  - Type of Assignment: Patrol, Traffic, Narcotics, Investigations, etc.(11 CCR 999.226)

#### **402.5 REPORTING WHEN THERE ARE MULTIPLE OFFICERS OR MULTIPLE AGENCIES**

- (a) When there are multiple officers interacting with the detained or searched individual(s):
  - (a) Only one RIPA report shall be submitted for each individual searched or detained, regardless of the number of officers involved in each interaction.
  - (b) The officer with the highest level of engagement with the person stopped is responsible for completing the RIPA report.
  - (c) All reportable actions taken by any officer during the detention or search shall be included in the RIPA report.
  
- (b) When there are multiple agencies at the scene and interacting with the detained or searched person(s):

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bias-Based Policing-RIPA Compliance*

---

- (a) Only the primary agency with investigative jurisdiction for the incident shall complete the RIPA report through their reporting system.
- (b) In no case should duplicate reports be submitted for the same individual by multiple officers or multiple agencies.
- (c) The RIPA report should be completed by the end of the officer's shift unless exigent circumstances preclude doing so, and with a supervisor's permission.

In such circumstances, the data shall be completed as soon as practicable. (11 CCR 999.227).

#### **402.6 INTERACTIONS WITH STUDENTS IN A K-12 PUBLIC SCHOOL**

- 1. Peace officers shall complete a RIPA report only if the following interactions occur with students on the grounds of a K-12 public school:
  - (a) Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.
  - (b) Any interaction in which the student is questioned for the purpose of investigating whether the student committed a violation of law, including violations of Education Code sections 48900, 48900.2, 48900.4, and 48900.7, or to determine whether the student is truant.
  - (c) Any interaction in which an officer engages in one or more of the actions as described in section 402.4 of this order.
- (b) Peace officers shall not complete a RIPA report in the following interactions with students on the grounds of a K-12 public school.
  - (a) Any detention or search of all persons as part of a neutrally applied formula that is not based upon personal characteristics. Such as a security checkpoint.
  - (b) The interaction only includes searches conducted at the entries or exits of school facilities by screening devices, and secondary screenings that result from that initial screening.
- I. Example 1: All students entering a school are required to pass through a metal detector. A school police officer searches a student's person or belongings because a metal detector is activated. The interaction shall not be reported.
- II. Example 2: An officer searches a student's backpack because he or she suspects the backpack contains narcotics. The interaction is reportable.

#### **402.7 GENERAL EXPECTATIONS TO RIPA REPORTING REQUIREMENTS**

- A. Peace officers are not required to complete a RIPA report in the following circumstances:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bias-Based Policing-RIPA Compliance*

---

- (a) Any stop or search that occurs in a custodial setting or on custodial grounds. However, peace officers who work in a custodial setting must report detentions or searches which occur in non-custodial settings (an example would be a deputy who is assigned to the jail but detains an individual while working an off-duty job at a football game).
- (b) Stops that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.
  - (a) For the purposes of this section, the incident commander (or designee) shall make the determination if an incident meets the criteria for a critical incident.
- (c) Stops that occur during an active shooter incident, meaning an individual is actively engaged in killing or attempting to kill people in a populated area.
- (d) Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening.
- (e) Any type of crowd control in which persons are directed to remain at a location or routed to a different location for public safety purposes.
- (f) Interactions during which persons are detained at a residence so that officers may check for proof of age, solely for the purpose of investigating possible underage drinking.
  - (a) Example 1: An officer is dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are engaged in underage drinking, and he or she detains the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions do not require a RIPA report.
  - (b) Example 2: At that same party, the officer, in addition to detaining a person to question him/her, also asks to search the person. Regardless of whether the person consents to the search or is actually searched, that interaction will require a RIPA report.
- (g) Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.
  - (a) Example: A checkpoint or roadblock, including a DUI checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, not based on individualized suspicion or personal characteristics, does not require a RIPA report.
- (h) Diversion of traffic or individuals as a result of any routine traffic control not based upon individualized suspicion personal characteristics.
- (i) Interactions with passenger(s) of traffic stops who are not the subject of an investigation or enforcement action and who are not searched.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bias-Based Policing-RIPA Compliance*

---

- (a) Example: Any individual(s) being asked to exit the vehicle simply because it is being towed.
- (j) Interactions with the targeted subject(s) of a warrant, search condition, home detention, or house arrest while inside of their residence. However, a RIPA report is required for any interactions with persons in the home who are not the subject of the warrant or search condition if the officer takes any of the actions listed in section 402.4 of this order.
- (k) Consensual encounters that do not result in a search.

The data collected for each stop is the responsibility of a single officer on scene. The data will be reported and submitted for supervisorial approval. The Department will maintain all "Stop Data" and prepare an annual report to the California Department of Justice in compliance with RIPA. In addition, the Department's Senior Management Analyst will be responsible for producing an annual report for the Department regarding our STOP DATA.

#### **402.7.1 SUPERVISOR'S RESPONSIBILITIES**

Supervisors should log in to the RIPA report system to review and approve or reject officer's RIPA reports by the end of the supervisor's shift unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable after the RIPA report was received. The primary purpose of the supervisor review is to ensure no personal identifying information has been included in the report. If any personal identifying information is found in the report, the supervisor shall reject the report.

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

Reports that have been approved by a supervisor and are either waiting in the que for download or have been submitted to the DOJ shall not be modified or altered except by way of a supplemental report.

#### **402.8 DETENTIONS**

All investigative detentions, temporary detentions, vehicle stops, arrests, searches and seizures of persons or property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, statutory authority, and prevailing case law. Officers must be able to articulate specific facts, circumstances and conclusions which support reasonable suspicion or probable cause for an arrest, vehicle stop or investigative detention.

Officers may take into account as part of a description the race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture of a specific suspect(s) based on what reasonably appears to be credible, reliable, relevant information that links a person to a particular criminal incident or links a specific series of crimes in an area to a group of individuals.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Bias-Based Policing-RIPA Compliance*

---

Except as provided above, no person shall be singled out or otherwise treated differently on account of his/her race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture.

### **402.9 POLICE CONTACTS WITH MEMBERS OF THE PUBLIC**

This policy allows consensual encounters, but officers should apply the principles outlined below.

In an effort to prevent inappropriate perceptions of biased based law enforcement, officers shall utilize the following strategies when involved in any pedestrian contact or vehicle stop:

- Be courteous, polite, and professional.
- Introduce yourself by providing your name and agency affiliation. As soon as practical, explain the reason(s) for the stop, i.e., in vehicle stops, provide this information before asking the driver for their license, registration and proof of insurance.
- Answer any questions the member of the public may have, including explaining options for the disposition of a traffic citation, if relevant.
- Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- During a consensual contact to include a traffic stop or a contact at a home or business, officers shall ensure that all persons contacted are aware of the officer's affiliation with the police department, except in situations that may jeopardize an investigation.

### **402.10 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted as directed by the professional standards and support bureau.

- All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- Each sworn member of this department who received initial bias-based policing training will thereafter be required to attend or complete on going training as deemed necessary by the Carlsbad Police Department to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4[i]).

## Briefing Training

### **404.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Special Orders or changes in Special Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### **404.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

---

## Crime 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 Carlsbad 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crime and Disaster Scene Integrity*

---

#### **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 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).

## Crisis Response Unit

### 408.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. 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 Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 408.1.2 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 LEVELS OF CAPABILITY/TRAINING

#### 408.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

#### 408.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At

## *Crisis Response Unit*

---

least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

### 408.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

### **408.3 POLICY**

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 408.3.1 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 Commanding Officer or his/her designee.

#### 408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Response Unit*

---

3. Debriefing after every deployment of the SWAT team.
  - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
  - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
  - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
  - (d) When appropriate, debriefing should include specialized units and resources.
    - (i) Sound risk management analysis.
    - (j) Standardization of equipment deployed.

#### **408.4 TRAINING NEEDS ASSESSMENT**

The SWAT/CRU Commanding Officer 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. § 1084).

##### **408.4.1 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.

##### **408.4.2 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.

##### **408.4.3 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.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Response Unit*

---

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.

#### 408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU 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 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 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 physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those 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. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

#### 408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Response Unit*

---

#### 408.4.6 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.

#### 408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Manager. Such documentation shall be maintained in each member's individual training file (TMS). A separate agency SWAT training file shall be maintained with documentation and records of all team training.

### **408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

#### 408.5.1 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.

#### 408.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

#### 408.5.3 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.

#### 408.5.4 OPERATIONAL READINESS INSPECTIONS

The CRU Commanding Officer shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least annually. The result of the inspection will be forwarded to the CRU Commanding Officer in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

### **408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT**

The Commanding and Executive Officers of the CRU shall be selected by the Chief of Police upon recommendation of staff.

#### 408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Field Operations Division Commander, the Crisis Response Unit shall be managed by the SWAT Commanding Officer.

#### 408.6.2 TEAM SUPERVISORS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Crisis Response Unit*

---

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SWAT Commanding Officer

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SWAT Commanding Officer.
- (b) The Special Weapons and Tactics Team supervisors primary responsibilities are to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commanding Officer.

### **408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis 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 Negotiation Team.

#### **408.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who meet the minimum requirements, shall submit a memo of interest to their appropriate Division Commander. A copy will be forwarded to the CRU Commanding Officer, Qualified applicants will then be invited to an oral interview. The oral board will consist of the SWAT Commanding Officer, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Response Unit*

---

#### 408.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

#### 408.7.3 TEAM EVALUATION

Continual evaluation of team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commanding Officer. The performance and efficiency level, as established by the team supervisors, will be met and maintained by all CNT Team members. Any member of the CNT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### **408.8 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.

#### 408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who meet the minimum requirements shall submit a memorandum to their appropriate Division Commander, a copy of which will be forwarded to the SWAT Commanding Officer, Executive Officer 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 Commanding Officer. The testing process will consist of an oral board, physical agility, SWAT basic handgun/rifle, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SWAT Commanding Officer. 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;

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Response Unit*

---

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 Commanding Officer. A minimum qualifying score shall be attained by the applicant to be considered for the position.
  - (c) **SWAT basic handgun:** Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 450 out of a possible score of 500 must be attained to qualify.
  - (d) **SWAT basic rifle:** Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 450 out of a possible score of 500 must be attained to qualify.
  - (e) **Team evaluation:** Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
  - (f) A list of successful applicants shall be submitted to staff, by the SWAT Commanding Officer for final selection.

#### **408.8.2 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 Commanding Officer. 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.

Individual and team training shall be documented and records maintained by the Training Manager. Such documentation shall be maintained in each member's individual training file (TMS). A separate agency SWAT training file shall be maintained with documentation and records of all team training.

#### **408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT Commanding Officer

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Crisis Response Unit*

---

### 408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Supervisor, he/she will notify the SWAT Commanding Officer.

### 408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### 408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Carlsbad Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.

### 408.9.4 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 Carlsbad Police Department SWAT team shall operate under the policies, procedures and command of the Carlsbad Police Department when working in a multi-agency situation.

### 408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Crisis Response Unit

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

### 408.9.6 FIELD UNIT RESPONSIBILITIES

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

[REDACTED]

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Crisis Response Unit*

---

### 408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.



---

## Ride-Along Policy

### 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### 410.1.1 ELIGIBILITY

The Carlsbad 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, Division Commander, or Watch Commander.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Supervisor. 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 Supervisor 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: Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Ride-Along Policy*

---

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

Ride-along requirements for police explorers are covered in Policy Manual § 1048, "Police Explorer Program."

#### 410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed. 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 Carlsbad 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. The Watch Commander is responsible for maintaining and scheduling ride-alongs.

### **410.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Ride-Along Policy*

---

- (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

# 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. Each exposure shall be documented by the employee in a CPD 'Hazardous & Toxic Material or Infectious Disease Exposure Report.' This report shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Hazardous Material Response*

---

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

#### 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.

---

## Hostage and Barricade Incidents

### 414.1 PURPOSE AND SCOPE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### 414.1.1 DEFINITIONS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

### 414.2 POLICY

[REDACTED]

[REDACTED]

[REDACTED]

### 414.3 COMMUNICATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### 414.3.1 EMERGENCY COMMUNICATIONS

[REDACTED]

[REDACTED]

*Hostage and Barricade Incidents*

---

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**414.4 FIRST RESPONDER CONSIDERATIONS**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**414.4.1 BARRICADE SITUATION**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

*Hostage and Barricade Incidents*

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

414.4.2 HOSTAGE SITUATION

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



*Hostage and Barricade Incidents*

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**414.5 SUPERVISOR RESPONSIBILITIES**

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

*Hostage and Barricade Incidents*

---

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

**414.6 SWAT RESPONSIBILITIES**

[REDACTED]

**414.7 REPORTING**

[REDACTED]

---

## Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE

[REDACTED]

### 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

[REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

Response to Bomb Calls

---

**416.3 EXPLOSION/BOMBING INCIDENTS**

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

**416.3.1 NOTIFICATIONS**

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**416.3.2 CROWD CONTROL**

[REDACTED]

**416.3.3 SCENE OF INCIDENT**

[REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Response to Bomb Calls

---

#### 416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

[REDACTED]

##### 416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

[REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

[REDACTED]

[REDACTED]

##### 416.4.2 RESPONSIBILITIES

[REDACTED]

[REDACTED]

[REDACTED]

#### 416.5 RESPONSE TO BOMB THREAT ABOARD AIRCRAFT

[REDACTED]

[REDACTED]

[REDACTED]

## 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 Carlsbad Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

### 418.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

#### 418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### 418.3.2 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

## *Mental Illness Commitments*

---

are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

### **418.3.3 MENTAL HEALTH DOCUMENTATION**

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

### **418.3.4 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 Communications 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, Watch Commander approval is required before transport commences.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Mental Illness Commitments*

---

#### 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 Investigative Bureau which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### **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.



## 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 Carlsbad Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

#### 420.2.1 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 person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

#### 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cite and Release Policy*

---

(Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

#### 420.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

#### 420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (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.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
  1. The Carlsbad 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, 40303 and 40305.
  1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
  2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
  3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cite and Release Policy*

---

- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.
- (j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

#### 420.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the arresting officer shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record
- (b) The person lacks ties to the area, such as a residence, job, or family
- (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

#### 420.3.5 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

#### **420.4 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Cite and Release Policy*

---

- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

## Arrest or Detention of Foreign Nationals

### 422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

#### 422.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

### 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Arrest or Detention of Foreign Nationals*

---

#### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

#### 422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

#### 422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

#### 422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Emergency Management Agency (Cal EMA).

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Arrest or Detention of Foreign Nationals*

---

### 422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

### **422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### 422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
- (g) The violator shall be provided with the appropriate copy of the notice to appear

#### 422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Arrest or Detention of Foreign Nationals*

---

immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

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

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions	Office of the Foreign Missions
San Francisco, CA	Los Angeles, CA
(415) 744-2910, Ext. 22 or 23	(310) 235-6292, Ext. 121 or 122
(415) 744-2913 FAX	(310) 235-6297 FAX
(0800-1700 PST)	(0800-1700 PST)
Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(202) 647-0122 FAX



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Arrest or Detention of Foreign Nationals*

---

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by California Emergency Management Agency (Cal EMA), local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

#### **422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

##### **422.6.1 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

## *Arrest or Detention of Foreign Nationals*

---

### 422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Arrest or Detention of Foreign Nationals*

---

### 422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

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

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

### **422.8 FAX INFORMATION REQUIRED**

#### **CARLSBAD POLICE DEPARTMENT NOTICE TO CONSULAR OFFICERS REGARDING THE ARREST OR DETENTION OF FOREIGN NATIONALS**

Date: Time: Case#:

To: Embassy/Consulate of: Country City State

Fax#:

From: Carlsbad Police Department

2560 Orion Way

Carlsbad, CA 92010

Phone: (760) 931-2100

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Arrest or Detention of Foreign Nationals*

---

Fax: (760) 929-0243

SUBJECT: We have arrested/detained the following person who we believe to be a citizen of your country.

Name: Mr./Mrs./Ms:

Date of Birth:

Place of Birth:

Passport Number:

Other Identification:

As of the date of this fax, the subject in question:

Has been released following detention

Has been released to another law enforcement agency:

Name & contact #:

Is in custody at the San Diego Sheriff's Office (760) 940-4473

For additional information, please call the Watch Commander's office at: (760) 931-2115. Refer to case number listed on top of page when you call.

## 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 Carlsbad Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 424.3 FIRST RESPONSE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

*Rapid Response and Deployment*

---

- [REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**424.4 CONSIDERATIONS**

[REDACTED]

- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]

**424.5 PLANNING**

[REDACTED]  
[REDACTED]

- [REDACTED]  
[REDACTED]
- [REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## *Rapid Response and Deployment*

---

### **424.6 TRAINING**

The Training Coordinator should include rapid response to critical incidents in the training plan.

This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - 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 Carlsbad Police Department relating to immigration and interacting with federal immigration officials.

### 428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

## 428.2 POLICY

It is the policy of the Carlsbad Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

The Carlsbad Police Department is committed to complying with all provisions of the California Values Act (SB 54 de Leon).

## 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 not in any way that would violate the United States or California constitutions.

## 428.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Immigration Violations*

---

#### 428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

#### **428.5 DETENTIONS AND ARRESTS**

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

#### 428.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

#### **428.6 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Immigration Violations*

---

- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

#### 428.6.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

#### 428.6.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Carlsbad Police Department intends to comply with the request (Government Code § 7283.1).

If the Carlsbad Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

#### 428.6.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Carlsbad Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Immigration Violations*

---

#### 428.6.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

#### 428.6.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigative Bureau supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Division Policy).

#### 428.6.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigative Bureau supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Division Policy).

#### **428.7 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Bureau supervisor assigned to oversee the handling of any related case. The Investigative Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Immigration Violations*

---

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

#### **428.7.1 TIME FRAMES FOR COMPLETION**

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

#### **428.7.2 REPORTING TO LEGISLATURE**

The Investigative Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

#### **428.7.3 POLICE REPORTS**

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

#### **428.8 FEDERAL REQUESTS FOR ASSISTANCE**

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

#### **428.9 TRAINING**

The Training Coordinator should ensure that all appropriate members receive training on immigration issues.

Training should include:

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Immigration Violations*

---

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

## 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 Communications 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 Communications Center.

### 430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Carlsbad 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 Communications 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 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 Carlsbad 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 FAA STANDARD ALERTS ALERTS

The following alerts are a federal (FAA) standard and are used throughout the United States.

#### ALERT 1

Alert 1 is used when an inbound aircraft is experiencing some trouble, but is not declaring an emergency, this is an information only call and no police response is necessary.

#### ALERT 2

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aircraft Accidents*

---

Alert 2 is a plane declaring an emergency and indicating a possible emergency landing (Alert two can be an upgrade from an Alert 1 status). Police minimum response required is two patrol units and one Sergeant

#### **ALERT 3**

Alert 3 is an actual plane crash and requires the same minimum response as an Alert 2

#### **ALERT 4**

Alert 4 is a bomb threat, this is also a priority 1 and requires a minimum response of two patrol units and one sergeant. Protocol listed in Policy 416 should be referenced and followed as well.

#### **434.5 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.

#### **434.6 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

#### **434.7 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.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aircraft Accidents*

---

- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

#### **434.8 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.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **434.9 DOCUMENTATION**

All aircraft accidents occurring within the City of Carlsbad 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 CPD 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.

##### **434.9.1 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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aircraft Accidents*

---

- (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.

#### **434.9.2 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.

#### **434.10 MEDIA RELATIONS**

The Public Information Officer (Communication Relation Manager (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 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 Communication Relation Manager (PIO) should coordinate with other involved entities before the release of information.

---

## 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 Carlsbad Police Department.

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

### 436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

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

#### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Successful completion of probation
- (c) Minimum of three years of patrol experience, one of which shall be with this department
- (d) Demonstrated ability as a positive role model
- (e) Participate and pass an internal oral interview selection process
- (f) Evaluation by supervisors and current FTOs
- (g) 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 MANAGER

The FTO Program Manger should be selected from the rank of Lieutenant or above by the Field Operations Division Commander or a designee.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Field Training Officer Program*

---

The responsibilities of the FTO Program Manager include the following:

- (a) Overall management of the FTO Program
- (b) Selection of the FTO Supervisors
- (c) Ensure completed FTO/Trainee performance evaluations are submitted to PSSD.
- (d) Maintain, update and issue the Field Training Manual to each Trainee.

The FTO Program Manager will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11CCR 1004 (4)).

#### **436.3.1 FIELD TRAINING OFFICER PROGRAM SUPERVISORS**

The FTO Program Supervisor should be selected from the rank of Sergeant or above by the Field Operations Division commander or a designee and should possess, or be eligible to receive a POST Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTO's
- (b) Coordinate Trainees completion of Admin Week with PSSD
- (c) Conduct FTO meetings
- (d) Maintain and ensure FTO/trainee performance evaluations are completed
- (e) Maintain, update and issue the Field Training Manual to each trainee
- (f) Monitor individual FTO performance
- (g) Monitor overall FTO Program
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTO's

The FTO Program Supervisor are 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 Carlsbad Police Department who has successfully completed a POST approved Basic Academy.

#### **436.5 REQUIRED TRAINING**

Entry level officers, Academy Graduates and out of state lateralsshall be required to successfully complete the Field Training Program, consisting of a minimum of 22 weeks.

The training period for a lateral officer who have successfully completed a California POST certified FTO Program may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of four weeks.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Field Training Officer Program*

---

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.

Upon entering the Field Training Program, Trainees will be assigned to an FTO Supervisor who will be their supervisory point of contact throughout field training regardless of their squad assignment. Daily Observation Reports will be submitted to this assigned supervisor for review in order to ensure consistency and accountability for the Trainees progress.

#### 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 Carlsbad 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 Carlsbad Police Department.

### **436.6 EVALUATIONS**

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

#### 436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a daily observation report on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the daily observation reports with the trainee each day.
- (c) Complete a monthly training report at the conclusion of each 4 week training cycle.
- (d) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (e) 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 FTO supervisor shall review and approve the Daily Observation Reports and forward them to the FTO Manager.

#### 436.6.3 FIELD TRAINING MANAGER

The Field Training Manager will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor.

#### 436.6.4 TRAINEE

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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Field Training Officer Program*

---

### **436.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's FTO file for the prescribed amount of time and will consist of the following:

- (a) Daily Observation Reports
- (b) Remedial Training Assignment Worksheets (if applicable)
- (c) Supervisors Weekly report
- (d) Phase Evaluation Report
- (e) Completion and signed off FTO Manual
- (f) A copy of the 'Certificate of Completion' certifying that the trainee has successfully completed the required number of weeks of field training. The original document will be retained in the officer's personnel file.

## Obtaining Helicopter Assistance

### 438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

#### 438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

---

## Contacts and Temporary Detentions

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

### 440.2 POLICY

The Carlsbad Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

### 440.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Carlsbad Police Department to strengthen community involvement, community awareness, and problem identification.

#### 440.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Contacts and Temporary Detentions*

---

#### **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.
  - 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**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Contacts and Temporary Detentions*

---

#### **440.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

##### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

#### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Division. These photographs will be purged as described in Policy § 440.7.1.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Contacts and Temporary Detentions*

---

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Division in a separate non-booking photograph file in alphabetical order.

#### **440.7.1 PURGING THE FIELD PHOTO FILE**

The Records Manager will be responsible for ensuring that photographs maintained by the Records Division that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Carlsbad Police Department and the booking file remains in the Records Division.

#### **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.

---

## Criminal Organizations

### 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Carlsbad Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 442.2 POLICY

The Carlsbad Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

#### 442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Criminal Organizations*

---

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

#### 442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

#### **442.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

#### **442.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Criminal Organizations*

---

responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **442.7 CRIMINAL STREET GANGS**

The Investigative Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
  - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
  - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
  - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

#### **442.8 TRAINING**

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

##### **442.8.1 SHARED GANG DATABASE TRAINING**

The Training Coordinator should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Criminal Organizations*

---

instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

## Watch Commanders

### **444.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.



---

## Mobile Computer Terminal Use

### 448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

### 448.2 MCT USE

The MDT 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. MDT 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 MDT unless otherwise authorized by the Watch Commander.

#### 448.2.1 USE WHILE DRIVING

Use of the MDT 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

MDT'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 MDT.

#### 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 MDT system.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Mobile Computer Terminal Use*

---

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT's.

#### **448.3 REMOVING MCT FROM VEHICLE**

During the course of a deployment shift officers may desire to remove the MCT from the in-vehicle docking station to use the MCT elsewhere. The removal of the MCT by the assigned employee is permissible provided the following requirements are met:

- (a) The employee maintains visual and physical control over the MCT while the MCT is out of the vehicle docking station.
- (b) The employee insures that the MCT is carried in a manner, and placed in areas where the MCT is not damaged.
- (c) Any removed MCT must be placed back in the vehicle docking station, and should not drive a patrol vehicle containing a MCT without the MCT being secured and locked in the provided docking station. This is required for the safety of the occupants of the vehicle and for the protection of the MCT.
- (d) MCT's are assigned to a specific vehicle. Therefore, any removed MCT must be returned to the assigned vehicle. A MCT shall not be removed from the assigned vehicle and placed in a non-assigned vehicle.

## Body Worn Camera

### 449.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of Department issued body worn cameras (BWC's) by members of this Department while in the performance of their duties. This policy does not apply to lawful surreptitious audio/video recording or interception of communications for authorized investigative purposes. This policy is not intended to supplant sound officer safety practices in an emergency situation, such as self-defense.

### 449.2 POLICY

The Carlsbad Police Department may provide members with access to BWC's for use during the performance of their duties. The use of BWC's is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 449.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 449.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a BWC, issued by the Department, and that the BWC is in good working order. Uniformed members shall wear the BWC in a conspicuous manner. Any member assigned to a non-uniformed position may carry a BWC at any time the member believes that such a device may be useful.

When using a BWC, the assigned member shall record his/her name, ARJIS 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 BWC and related software captures the user's unique identification and the date and time of each recording.

Members should activate BWC's in accordance with Section 449.5 in a reasonable effort to comply with this policy. Members shall document the existence of a recording in all reports or other official records of the contact, including an instance where the BWC malfunctioned or the member deactivated the recording. In such instances, members shall indicate the reason for the deactivation.

### 449.5 ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Members should activate the BWC any time the member believes it would be appropriate or valuable to record an incident. Department members are encouraged to advise members of the public of the recording. However,

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

the Department member must consider who is being recorded and any facts that would indicate that such notice would interfere or otherwise be contrary to the mission of the Department. In the event that the Department member believes such notice would interfere or otherwise be contrary to the mission of the Department, the member may elect not to advise the public of the recording.

It is suggested that members make the advisement in a language the recorded person(s) can understand, to the extent that members are able to communicate in that language.

The BWC shall be activated in any of the following situations:

- (a) All anticipated enforcement actions and investigative contacts to include field interviews, traffic stops and searches. Generally, members do not need to record routine report calls where there is no anticipated enforcement action.
- (b) When practical, all suspect statements. Victim and witness statements when deemed appropriate or useful by the member of the Department.
- (c) When transporting a prisoner or providing transportation for a member of the public.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording or in the event the member believes the recording would protect the interests of the member or the Department.
- (e) As soon as practical and safe, upon initiation of a vehicle pursuit.
- (f) When requesting or obtaining consent to search.
- (g) During all prisoner handling, searching, booking, or transferring processes, unless prohibited by a Detention Facility.

Members may encounter special circumstances which should not be recorded:

- (a) Members should not record other public safety personnel without their consent or notification. However, members should notify other public safety personnel, such as firefighters, paramedics, or other law enforcement officers as soon as practical when they are being recorded during an incident.
- (b) Members are not required to record non-enforcement contacts such as citizen flags for directions or non-enforcement related contacts with the public.
- (c) Victims of child abuse or molest generally should not be video recorded.
- (d) Victims of sexual assault generally should not be video recorded without consent.
- (e) Victims who are partially unclothed or nude should generally not be video recorded unless a recording would serve a legitimate law enforcement interest. Regardless, the victim shall be covered as soon as reasonably possible to protect their personal privacy and dignity.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

(f) Members should generally not record victims or suspects in hospital or emergency room settings. In the event a member elects to make a recording, whether audio or video under this section, the member shall take all reasonable steps in consideration of the HIPPA rights of patients and the privacy of hospital staff. Members may video or audio record a suspect if the suspect's conduct is violent or threatening to staff or to members.

Members shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Suspects who are nude or partially unclothed shall be covered as soon as reasonably possible to protect their personal privacy and dignity.

However, private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. When officers are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.

Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.

Requests by members of the public to stop recording shall be evaluated balancing the request for privacy with legitimate law enforcement interest in recording. In the event that recording is ceased, recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC or change the recording media. However, the BWC should be activated in situations described above as soon as practicable.

#### 449.5.1 CAMERA POSITION AND MOUNT

During the regular course of wear, officers shall wear the BWC above the midline of their torso. Officers should utilize their viewers to ensure the BWC is in a position where the field of view provides for effective recording. Officers shall not intentionally obscure the view of their BWC.

All employees who utilize a BWC shall use the "Wing Clip Mount" from Axon while mounting the BWC onto the uniform. Employees who wear a Load Bearing Vest may use a "Lockable Molle Mount" from Axon as an option. If either the "Wing Clip Mount" or the "Lockable Molle Mount" cannot be utilized, an employee may use the "Outerwear Magnet Mount". Other BWC mounts from Axon are no longer authorized for use.

This section does not prohibit an officer from removing the BWC from their torso if the BWC would better be positioned differently for a specific purpose.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

#### 449.5.2 SERREPTITIOUS USE OF THE BWC

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### 449.5.3 CESSATION OF RECORDING

Once activated, the BWC shall not be purposely muted or deactivated 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 during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

#### 449.5.4 EXPLOSIVE DEVICE

Many portable recorders, including BWC's and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices shall not be used where an explosive device may be present.

#### **449.6 PROHIBITED USE OF BWC**

Members are prohibited from using Department-issued BWC's and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity. Members are also prohibited from retaining recordings of activities or information obtained while on-duty. 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 video recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned video BWC 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, intimidation or ridicule. As part of the investigative record, recordings shall not be shared with others without a legitimate professional interest in the case, and should be considered "need to know" content.

Members without the "need to know" about the investigation shall be prohibited from viewing the video without the express permission of the division commander.

#### **449.7 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that is required per the categorization schedule, the member shall categorize the video, record the related case number (in the following format 16-12345), if one is assigned, and transfer the file in accordance with current procedures for storing digital files. If there is no case number assigned, the officer shall categorize the video, record the related incident number (in the following format 160012345) and transfer the file in

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

accordance with current procedures for storing digital files. The member shall also document the existence of the recording in the related case report. If the incident is documented by another Department member and there is no other requirement for the recording officer to write a report to document the incident, the existence of the recording may be documented only by the reporting employee. Transfers shall occur at the end of the member's shift, or any time the storage capacity is nearing its limit or as otherwise directed by a supervisor.

While using BWC's in conjunction with Evidence.com, members shall use the categorization and notation functions of Evidence.com to make notes within the system on cases where enforcement action was taken or for videos which should be retained. Notes such as suspect names and citation numbers will facilitate flagging videos for review, discovery and retention.

Members must categorize and note the assigned case number or incident number for each video file prior to the end of their shift unless further delay is approved by the Watch Commander.

Members need not make notes on every recording, only recordings which should be retained according to the categorization schedule. Members using Taser Axon in conjunction with Evidence.com shall designate retention of their videos in Evidence.com according to the nature of the incident (felony, misdemeanor, detention, etc.) by using the categorization feature. Uncategorized videos will be deleted after 90 days, therefore it is critical that videos are appropriately categorized.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact or citizen complaint), the member should promptly notify a supervisor of the existence of the recording. Supervisors, managers or evidence administrators may re-categorize recordings as they deem necessary.

The Department shall take all reasonable measures to ensure the security of stored recordings, whether audio or video, in an effort to prevent unauthorized access to said stored recordings.

#### 449.7.1 RETENTION REQUIREMENTS

It is the responsibility of the member making the recording to affirmatively categorize recordings in Evidence.com based upon the circumstances of the incident. 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 90 days.

While it is critical to retain recordings of evidentiary value, it is almost as important that files of insignificant incidents are deleted in a timely fashion according to schedule. The following retention schedule should serve as a guide; however, the camera program supervisor or any other supervisor or manager may extend the retention schedule of a recording based upon the significance of a case:

- (a) Accidental recording- 90-day retention.
- (b) Case where a Member reasonably believes that there is a high probability of civil liability to the City –three-year retention.

## *Body Worn Camera*

---

- (c) Detention- two-year retention.
- (d) Felony- three-year retention.
- (e) Felony with Use of Force- three-year retention.
- (f) Homicides -permanent retention in Evidence.com AND all videos shall be recorded to a backup media, such as DVDs and logged into evidence.
- (g) Major injury traffic collision- three-year retention
- (h) Minor injury traffic collision- two-year retention
- (i) Misc. case- two-year retention
- (j) Misc. case with Use of Force- three-year retention
- (k) Misdemeanor (including traffic related misdemeanors)– two-year retention.
- (l) Misdemeanor with Use of Force- three-year retention
- (m) Pending review- permanent retention
- (n) Restricted Professional Standards- two-year retention
- (o) Routine incident with no apparent investigative value- one year retention.
- (p) Training- two-year retention.

### **449.8 REVIEW OF RECORDINGS**

Audio and video recordings are designated by the Department as investigative records and are not subject to routine release through requests via the California Public Records Requests Act (CPRA), the Freedom of Information Act (FOIA), or other non-court ordered requests for audio or video records.

When preparing written reports, members should review their recordings as a resource and shall be granted access to review them. However, members should not use the fact that a recording was made as a reason to write a less detailed report. With the exception of a timely public safety statement, members who are involved in a critical incident shall be allowed to review their own recording of the incident prior to giving a voluntary or compelled statement.

Officers may review digital evidence prior to providing testimony at hearings, trial, or depositions as appropriate and necessary.

In the event that the recording of a member involved in a critical incident is damaged, destroyed, of poor quality or in the event that other members' recordings offer a better perspective of the critical incident than that of the subject member(s), members may be allowed to review the recordings of other members involved in said critical incident prior to giving a voluntary or compelled statement. At the discretion of the Chief of police or designee, members may be allowed to review another member's recording if the other member was in the approximate vicinity of the subject member and their recording offered a similar scene orientation and perspective of the incident. Members



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

shall also be allowed to review other member's videos prior to being questioned about the content of the other member's video recording.

It is not the intent of the Department to review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct.

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 when the Chief determines such release is in the public's interest and the release will not compromise the integrity of an ongoing investigation. In the event of a release of a recording to the public or media, involved Department members should be notified as soon as reasonably possible of the release.

(d) For purposes of training law enforcement personnel once the case has been adjudicated. Such training use shall not be disparaging or demeaning to members of the Department or the subjects of the recording. Examples of useful recordings may include contact and cover, pursuits, tactics or de-escalation techniques. Permission from involved members should be obtained prior to the use of the recording for training purposes.

(e) Any incident in which a member of the Department is injured or killed during the performance of their duties.

(f) Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.

(g) Any in-custody death.

(h) Any police pursuit.

(i) When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck.

(j) When any member of the Department not involved in training intentionally or unintentionally discharges a Taser at a person, including the application of a drive stun.

(k) Department member involved traffic collisions.

(l) Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

(m) In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.

(n) When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.

(o) For investigations undertaken by the Department for the purpose of proving or disproving specific allegations of misconduct.

(p) For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence shall be documented as part of the report of any investigation undertaken by the Department.

(q) Supervisors should review BWC recordings to assist in assessing and investigating citizen's complaints. Supervisors have discretion to show BWC recordings to a complainant when it relates to their complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.

(r) In situations where there is a need to review digital evidence not covered by this procedure, a Division Commander or higher must approve the request. Each situation will be evaluated on a case by case basis.

The Chief of Police shall have final Departmental authority in determining the release of recordings where not otherwise required by court order, statutory authority or other lawful authority.

All recordings shall be reviewed by the Department Records Manager prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

#### **449.9 EDITING, TAMERING OR COPYING**

All audio and video recordings are part of the investigative record and shall be preserved in their original format without deletion, editing or tampering according to the retention schedule.

Members may not delete, photograph, video record, or otherwise tamper with Department recordings without the express permission of the BWC Administrator. If a copy of a digital recording is needed for a legitimate law enforcement purpose (e.g., court demonstration, sharing with the District Attorney's Office) a member may make a copy of the related recording. Unauthorized tampering, editing or deletion of a video may result in discipline, up to and including termination.

Evidence.com has editing features which may be used to redact or obscure portions of recordings which may be sensitive. The editing features do not modify or alter the original recording; rather they create a second edited version for special circumstances. Only designated program personnel will have access to editing features.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

Video files may be deleted if, upon review by a designated BWC Administrator, they are deemed to constitute a breach of officer(s) privacy, and are not pertinent to an incident previously recorded.

At no time will video deemed evidence be deleted.

#### **449.10 SUPERVISORS RESPONSIBILITIES-AUDIT**

##### **A. Sergeant's Responsibilities**

1. Sergeants who have personnel assigned to them who wear a BWC are required to conduct quarterly inspections. The inspections will insure that the BWC is being used to record enforcement related contacts and other incidents set forth in this procedure. Inspection results will be forwarded to the respective Lieutenant of the division for review and approval.

2. Sergeants will randomly select at least two dates every quarter, that their employees were working, to inspect the proper use of the officer's BWC. The supervisor will confirm that the number of enforcement contacts match up to the number of videos submitted. If the supervisor identifies a discrepancy, they will follow-up with the officer to determine the reason the videos submitted did not match up with the officer's number of contacts. If the supervisor is satisfied with the reason then no further action is required. If the supervisor feels a violation of this procedure occurred, appropriate action will be taken. Sergeants will make sure that the randomly selected BWC videos were uploaded and categorized properly.

3. If during the inspection, the sergeant determines that the officer's BWC is not functioning properly, the BWC will be immediately taken out of service for repair and/or replacement.

This policy does not limit the Sergeants' ability to inspect BWC recordings if there is reason to believe that an officer is not properly recording, uploading or categorizing incidents.

##### **B. Lieutenant's Responsibilities**

1. Lieutenants will ensure the Sergeants' inspections are completed correctly. If a supervisor identifies a discrepancy, the lieutenant will follow up with the supervisor to ensure the discrepancy is corrected.

#### **449.11 BWC LIVE STREAMING AND VIDEO RECALL**

It is the policy of the Carlsbad Police Department to promote officer safety by (1) enabling authorized personnel to immediately identify the location of officers actively engaged in official duties in the field, in real time; and (2) improving situational awareness of incidents by allowing authorized personnel to remotely view and hear an officer's body worn camera (BWC) while actively recording a live incident.

##### **449.11.1 DEFINITIONS/DESCRIPTIONS**

- (a) **Live Mapping:** A situational awareness feature available through the Axon evidence.com online portal and Axon Respond mobile app, which allows authorized users to view the real-time location of officers actively recording an incident using an Axon Body 3 camera.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Body Worn Camera*

---

- (b) **Live Streaming:** A feature available through the Axon evidence.com online portal and Axon Respond mobile app, for authorized users to remotely view and hear an officer's actively recording Axon Body 3 camera.
- (c) **Live Mapping Function:** The following Carlsbad Police Department personnel are authorized to use the Live Mapping feature of the Axon Respond platform for a legitimate law enforcement purpose
  1. Any sworn police officer (all ranks)
  2. Any police dispatcher

#### 449.11.2 LIVE STREAMING

BWC cameras can only be accessed for live streaming when the BWC is actively recording an event. BWC cameras should not be accessed for live streaming unless authorized by a Sergeant or above, or someone acting in that capacity, and only for a legitimate law enforcement purpose. When feasible, real-time notice shall be provided, via the radio, to all involved members when their BWC is accessed for live streaming. BWC cameras may also be accessed for events when the officer is given advance notice that the camera will be monitored (e.g., protests, investigative or pre-planned special events, tactical operations, etc.).

#### 449.11.3 AUDITS

It is the responsibility of the Body Worn Camera Lieutenant to ensure that in the months of January, April, July, and October, an audit is conducted of users accessing Live Mapping and Live Streaming inquiries. The BWC Administrator shall randomly select 5 inquiries of Live Mapping and 5 inquiries of Live Streaming conducted during the preceding three-month period and determine if each inquiry meets the requirements established in policy. These audits shall be documented in the form of an internal department memorandum to the Chief of Police. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by PSSB.

#### 449.11.4 VIDEO RECALL

A member shall only view video recall recordings for a legitimate law enforcement purpose, and then may only do so with prior approval from a Captain or above within the police department.

---

## Portable Audio/Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Carlsbad Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 450.2 POLICY

The Carlsbad 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.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 450.4 MEMBER RESPONSIBILITIES

Any member assigned to a uniformed or non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

### 450.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Portable Audio/Video Recorders*

---

- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### **450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

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, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **450.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Portable Audio/Video Recorders*

---

#### **450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### **450.8 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 (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Portable Audio/Video Recorders*

---

- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

#### **450.10 RETENTION OF RECORDINGS**

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Carlsbad Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

##### **450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.



---

## Second Call Ordinance Procedure

### 451.1 PURPOSE AND SCOPE

Carlsbad Municipal Code 3.36.040 established a second call ordinance enabling the City to obtain financial reimbursement for costs associated with responding to a disturbance at the scene of a party or gathering from the person(s) responsible for the event. This policy is intended to outline the procedure by which this ordinance should be enforced by officers of the Carlsbad Police Department.

- (a) Routine Procedures For Handling Criminal Violations:
  - 1. The training and procedures for handling disturbances of this type are not intended to change as a result of this ordinance. All criminal violations relating to disturbances of the peace and unlawful assembly will continue to be enforced as appropriate and are not affected by the enactment of this ordinance.
- (b) Written Notice To Potential Violators:
  - 1. (First Response) It is intended that a WARNING of potential financial responsibility be given to the responsible party upon the first response by officers of this department. Such notice should be given in writing by using the City of Carlsbad WARNING provided by the department. The WARNING provides for the signature of the responsible party when notice is given at the first response. Although preferable, a signature is not mandatory for notice to be considered complete and for the second response ordinance to be enforced. The officer shall provide the signer the yellow copy of the completed WARNING and retain the station copy.
  - 2. (Second Response) Upon receipt of a second complaint and subsequent response regarding the disturbance, the assigned officer shall attempt contact with the same person to whom the WARNING notice was given. The responsible person shall then be issued the pamphlet entitled City of Carlsbad Loud Party Public Safety Service Fee Disturbance Violation Notice. This notice also provides for the signature of the responsible party but is not required to be considered complete. The officer shall remove and retain the station copy and give the pamphlet to the responsible party.
- (c) Intended Enforcement of this Ordinance:
  - 1. The watch commander's and field sergeant's discretion is fully applicable in all disturbance calls which are likely to result in a second response.
  - 2. The legislated intent is for this to apply in extreme cases where the disturbance is a nuisance that becomes "a threat to the public peace, health, safety or general welfare."

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Second Call Ordinance Procedure*

---

3. The ordinance is not intended to be invoked for all disturbing parties but rather those that involve uncooperative hosts that refuse to comply with the officer's attempts to remove the disturbance as it affects the surrounding community.
- (d) Enforcement Aimed at Ending the Disturbance:
1. In all Loud Party/Noise WARNING notifications, officers should make it clear that the aim is to end the disturbance, not the party or gathering.
  2. It is the decision of the host or responsible person(s) as to whether the event should conclude unless a clear violation of 415.2 PC prompts the officers to require the event to be dispersed.
  3. Officers will attempt to cooperate with the host(s) as they try to prevent the disturbance from continuing, unless it is clear that such an effort would be fruitless under the circumstances present.
- (e) Confirmation of a Disturbance:
1. In all instances of a disturbance complaint it is incumbent upon the responding officer(s) to determine that a violation of the public peace is in fact occurring. If there is no disturbance evident, the officer should make contact with the complaining party to identify any additional information applicable to the call and further action that may be required before the provisions of this ordinance would apply.
  2. If the disturbance warrants enforcement action on the first response, procedures normally used for such events should be invoked without regard for the second response policy.
- (f) Notifications Required With a First Response Notice:
1. In all cases where a Loud Party/Notice WARNING is issued, the reporting officer is responsible to notify the dispatcher that such action has been taken. The dispatcher will then make an appropriate entry in CAD to document this information.
  2. Should such notification occur near the change of watch, the officer or his/her supervisor will be responsible to notify the oncoming watch commander about the notification and circumstances that precipitated it.
    - (a) The station copy of the WARNING notice is to then be turned in to the watch commander who will send it to the Records Division for processing.
- (g) Second Response Requirement For Case Reports:
- (a) When a second response occurs and the Loud Party Public Safety Service Fee Disturbance Violation Notice is issued to the host or responsible party, a

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Second Call Ordinance Procedure*

---

case number should be issued to document the violation and the circumstances surrounding the incident.

- (a) The number of officers involved, their names, the exact amount of time each officer was involved in the second call and any injuries or damage to city property should be clearly documented in the report to allow for accurate billing of services provided.
  - (b) The time involved will include arrests, bookings and report writing time associated with the incident.
  - (c) Time charged will commence from the time each officer involved is dispatched to the call.
  - (d) The station copy for both the WARNING notice and second response shall be attached to the report as part of the official record of the event.
  - (e) The officer handling a second response should make a reasonable effort to serve the second call notice to the same individual served with the WARNING notice. If circumstances do not afford this opportunity, any responsible party available should be served with the second notice informing the violator that the ordinance is being enforced.
  - (f) Any additional responses to the same location for the continuation of the gathering should be treated as though it was a second call event as described in previous sections of this policy.
- (h) **Dispersing The Gathering At The Second Call:**
- 1. If the event warrants a second call enforcement, it may also be considered an unlawful assembly. Any additional enforcement of disturbance and unlawful assembly laws will be up to the discretion of the watch commander/field sergeant involved. The event itself should not typically be allowed to continue once a determination to enforce this ordinance has been made.
- (i) **Billing For Services Rendered:**
- 1. When the person(s) responsible for the event are in fact served with a notice that they will be billed for the police service on the second response, a copy of the report and copies of the WARNING notice and second notice forms shall be forwarded to the operations division commander for his review.
  - 2. The operations division commander will ensure that appropriate billing occurs.
- (j) **Hourly Rates Charged For Services Provided:**
- 1. The rate at which police services are billed will be determined on the basis of the citywide fee schedule in effect at the time of the disturbance/violation.

# 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*

---

### **452.2 POLICY**

It is the policy of the Carlsbad 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 Carlsbad 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Medical Marijuana*

---

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

#### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Medical Marijuana*

---

4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
1. The amount of marijuana recommended by a medical professional to be ingested.
  2. The quality of the marijuana.
  3. The method of ingestion (e.g., smoking, eating, nebulizer).
  4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

#### 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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Medical Marijuana*

---

- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

### **452.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

### **452.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Bureau supervisor.



---

# Mall Detail - Plaza Camino Real Supplemental Patrol

## 453.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards for officers' duties and responsibilities while assigned to the Plaza Camino Real supplemental patrol detail. The intent of the detail is to focus high visibility patrol in and around the Plaza Camino Real mall. The ultimate goal is to provide shoppers and merchants with a safe and crime-free environment to conduct business.

## 453.2 ASSIGNMENTS

- (a) Work days and hours will be assigned by the Patrol Supervisor assigned to oversee the detail to best meet the needs of the Plaza Camino Real mall.
- (b) It is the responsibility of the assigned officer to notify the watch commander if he/she is going to be late or absent from his/her assigned shift.

## 453.3 RESPONSIBILITIES

- (a) Officers are expected to be equipped, notify dispatch and leave the police station en route to the Plaza Camino Real Mall at their assigned time. Upon arrival at Plaza Camino Real, officers shall sign in at the mall security office. Officers are expected to remain at the Plaza Camino Real property until twenty minutes prior to the end of the assigned shift, at which time they will notify dispatch that they are en route back to the police station. Officers shall notify dispatch that they have ended their shift prior to leaving the police station.
- (b) Officers are expected to remain at the Plaza Camino Real property during breaks and meals. Officers must remain available for calls during breaks and meals.
- (c) Officers are expected to remain visible whenever practical. When more than two officers are assigned to the detail, patrol responsibilities will be split between indoor foot patrol and mobile parking lot patrol.
- (d) Officers must carry and monitor a Plaza Camino Real security radio. Officers are expected to assist Plaza Camino Real security personnel as necessary.
- (e) Officers are expected to be familiar with Plaza Camino Real specific training bulletins and take reports and make arrests as necessary.
- (f) Shopping and conducting personal business is not appropriate use of Plaza Camino Real supplemental patrol time.
- (g) Variances from this policy may be authorized as necessary, on an individual basis, by a sergeant or watch commander.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Mall Detail - Plaza Camino Real Supplemental Patrol*

---

- (h) Compensation - Compensation is standard time-and-one-half for the hours worked at the detail. The Plaza Camino Real supplemental patrol detail is funded in part by the mall. Overtime compensation requests for working at the Plaza Camino Real shall reflect the time that the officer actually worked the detail. For example, the officer is assigned to work at the Plaza Camino Real and is called away to process evidence at a traffic collision for two hours; the officer shall make two overtime entries on his/her time card. One for the time spent at the mall and one for the two hours spent collecting evidence.

### **453.4 COMPENSATION**

- (a) Compensation is standard time-and-one-half for the hours worked at the detail.
- (b) The Plaza Camino Real supplemental patrol detail is funded in part by the mall.
- (c) Overtime compensation requests for working at the Plaza Camino Real shall reflect the time that the officer actually worked the detail.
  - 1. For example, the officer is assigned to work at the Plaza Camino Real and is called away to process evidence at a traffic collision for two hours; the officer shall make two overtime entries on his/her time card. One for the time spent at the mall and one for the two hours spent collecting evidence.

---

## Bicycle Patrol Unit

### 454.1 PURPOSE AND SCOPE

The Carlsbad Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 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 Bicycle Patrol Unit supervisor or the Watch Commander.

### 454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### 454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Field Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Field Operations Division.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bicycle Patrol Unit*

---

- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

#### **454.4 TRAINING**

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly 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.

#### **454.5 UNIFORMS AND EQUIPMENT**

- (a) 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 eye wear and approved footwear. Soft body armor/vest is required.
- (b) The bicycle uniform specifications are delineated in the Carlsbad Police Department's Uniform and Awards Manual.
- (c) Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt, radio head set and microphone.
- (d) Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.
- (e) Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

#### **454.6 CARE AND USE OF PATROL BICYCLES**

- (a) Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.
- (b) 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).
- (c) 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Bicycle Patrol Unit*

---

- (d) Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.
- (e) 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)
- (f) 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).
- (g) 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.
- (h) Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.
- (i) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- (j) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.
- (k) 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.
- (l) 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.
- (m) Bicycles shall be properly secured when not in the officer's immediate presence.

#### **454.7 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Bicycle Patrol Unit*

---

- (c) In the immediate pursuit of an actual or suspected violator of the law.

---

## Off Road Law Enforcement Team - ORLE

### 455.1 PURPOSE AND SCOPE

The purpose of this policy is to establish operating procedures for the Off-Road Law Enforcement Team (ORLE). There are dangers associated with this work, and the following procedures have been developed to minimize the possibility of accidents or injuries.

- (a) All ORLE operations will be conducted by ORLE members or employees specifically assigned by a member of the command staff. All operations using motorcycles should be conducted by at least two officers. Employees may conduct ORLE activities without a partner when using 4x4 vehicles.
- (b) The officer in charge (ORLE sergeant) shall evaluate the riding skills of the assigned officers and shall remediate or remove any officer that, in his opinion, cannot safely perform his/her ORLE duties.
- (c) Prior to going in service, officers must call dispatch and advise them of their call sign and the area they will be working. The patrol sergeant should also be contacted and advised of the ORLE operation.
- (d) Complaints received by Communications should be dispatched to the appropriate unit and the call logged with the off-road classification for tracking by ORLE.
- (e) The department will provide appropriate uniforms and other safety equipment for officers assigned to the ORLE detail. ORLE detail members will adhere to the specifications delineated in the Carlsbad Police Department's Uniform and Award Manual.
- (f) Off-road ORLE operations during darkness by off-road motorcycles or 4x4 vehicles may be conducted when operational missions necessitate the utilization of ORLE units and when conditions are safe for operation.
- (g) Each team member will maintain his/her personal safety equipment in good operating condition.
- (h) Prior to the start of each ORLE operation, team members will carefully inspect his/her ORLE vehicle and necessary safety equipment to ensure that it is in good operating condition.
- (i) At the end of each ORLE operation, team members will clean his/her ORLE vehicle and carefully inspect it. Any problems found must be reported in written form to the team leader.
- (j) Only team members have access to ORLE equipment and vehicles. Members will NOT loan any equipment without prior permission from the sergeant.

## Lagoon Patrol

### 457.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards for law enforcement duties and responsibilities while assigned to the patrol boat on the Agua Hedionda Lagoon.

### 457.2 LAGOON PATROL

The intent of the patrol boat is high visibility enforcement of Agua Hedionda Lagoon. The goal is to provide users of the lagoon with a safe recreational environment for powerboat users, personal watercraft and passive use (i.e., kayaking, windsurfing, etc.).

### 457.3 ASSIGNMENT

- (a) Either the Traffic Lieutenant or the Traffic Sergeant will establish workdays and hours.
- (b) Only those employees who have completed a POST certified class similar to the Basic Boating Safety and Enforcement class offered by the California Department of Boating and Waterways are authorized to be the primary operator of the patrol boat. The primary boat operator shall be any sworn member of the Department. Any non-sworn member of the Department, or other City employee, may assist in the patrol boat duties at the discretion of the Chief of Police.
- (c) All employees operating or assisting in the use of the patrol boat shall have completed all required training prior to operating the patrol boat including an annual swimming test as deemed appropriate by the Chief of Police.

### 457.4 RESPONSIBILITIES

- (a) Prior to launching the boat, it is the responsibility of the assigned employees to notify dispatch that they will be in service on the water and to notify dispatch when their patrol shift on the water has concluded.
- (b) Employees are expected to maintain a high level of enforcement while on the water and issue warning, citations, take reports and make arrests as appropriate. All activity should be relayed to dispatch and logged into CAD.
- (c) While on lagoon patrol, employees will have the primary reporting responsibility for vessel collisions that occur on the lagoon.

### 457.5 OFFICER SAFETY

- (a) Department employees shall not engage in the actual physical maintenance of buoys within Agua Hedionda Lagoon.
- (b) All employees engaged in boat patrol shall have a U.S. Coast Guard-approved rescue flotation device available in the patrol boat at all times.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Lagoon Patrol*

---

- (c) Employees shall notify dispatch of all enforcement related contacts on the water and provide dispatch with their location on the lagoon utilizing landmarks or directions.

---

## Foot Pursuit Policy

### 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.

#### 458.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel 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 personnel.

### 458.2 DECISION TO PURSUE

The safety of department 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 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 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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## Foot Pursuit Policy

---

- (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.

### 458.3 GENERAL GUIDELINES

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## Foot Pursuit Policy

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Foot Pursuit Policy*

---

#### 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 guidelines.

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 COMMUNICATIONS 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 REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Foot Pursuit Policy*

---

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - (g) Arrestee information, if applicable.
  - (h) Any injuries and/or medical treatment.
  - (i) Any property or equipment damage.
  - (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

---

## Response to Mobile Incidents

### 459.1 PURPOSE AND SCOPE

Society's wide spread use of mobile devices presents risks and challenges to law enforcement when mobile incidents are reported. The necessity to respond to a mobile incident must be balanced against reasonable efforts to intercept the incident. This policy is designed to guide Department response to mobile incidents.

### 459.2 DISPATCH

Mobile incidents are a Priority 2 incident. The receiving dispatcher has the responsibility to evaluate the severity of the incident against the available resources. Response will first include collection and review of:

- (a) Crime type.
- (b) Description of the suspect(s) and vehicle.
- (c) Weapons.
- (d) Location.
- (e) Direction of travel.
- (f) Vehicle speed.
- (g) reporting person's vehicle description.

Once the initial information has been obtained, the communicator will determine (based on resources), whether the call will be dispatched, BOLO'd or transferred to a neighboring jurisdiction due to location and direction of travel. If it is determined resources are available, a maximum effort will be dedicated to stop mobile incidents as quickly and as safely as possible. Immediate verbal relay of information is extremely important to aid patrol units with locating the mobile incident.

Dispatch should advise the reporting person of potential risks of becoming involved and discourage continued involvement if dangerous conditions exist. They should also remind the reporting person to think of their own safety first. The reporting person should be instructed to activate their emergency flashers when the first patrol unit gets close to their location.

### 459.3 PATROL RESPONSE

Depending on the type of incident a Code 3 response may be an option. Officers must continuously be aware that there is always going to be some time delay of information. In the best of situations, officers should assume a ten to twenty second delay. Available patrol units in the proximity of a mobile incident should pay close attention to the incident. Patrol units ahead of the incident should allow the incident to come to them.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Response to Mobile Incidents*

---

Officers must evaluate the need to catch the suspect against the hazard they create by trying to stop a suspect. In all instances, officers are required to adhere to the Vehicle Pursuit Policy (Policy 314).



## Automated License Plate Readers (ALPRs)

### 462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Carlsbad 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. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data access shall be managed by the Investigations and Information Technology Division Commander.

### 462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate 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 shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

### 462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for official use only and is not open to public review. ALPR information gathered by this department is transmitted to the San Diego ARJIS and/or Vigilant Solutions and may be used and shared with prosecutors or others only as permitted by law.

San Diego ARJIS and/or Vigilant Solutions are responsible to ensure proper collection and retention of ALPR data, and for managing access to this data. Any ALPR data downloaded and

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Automated License Plate Readers (ALPRs)*

---

retained by either ARJIS and/or Vigilant Solutions should be stored for one year. After one year, it shall 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 lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into Department evidence.

#### **462.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Carlsbad Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) Every ALPR Detection Browsing Inquiry must be documented within the LEARN system by either the associated Carlsbad Police case number or incident number, and a reason for the inquiry.
- (f) The Carlsbad Police Department shall not sell, share, or transfer ALPR information, obtained by the department, except to a public agency who meets the following criteria:
  1. City, county, or city and county law enforcement agency in the state of California.
  2. Any agency or political subdivision of the State of California that is the law enforcement agency.
  3. The State of California.
- (g) No department member shall share ALPR data with another law enforcement entity not already approved by the department without the written authorization by a Bureau Captain or above. Written authorizations shall be retained by PSSB in the ALPR audit file.

#### **462.6 ALPR DATA DETECTION BROWSING AUDITS**

It is the responsibility of the Professional Standards and Services Bureau (PSSB) Lieutenant to ensure that in the months of January and July of every year, an audit is conducted of ALPR Detection Browsing inquiries. The audit shall randomly select at least 10 Detection

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Automated License Plate Readers (ALPRs)*

---

Browsing inquiries conducted by department employees during the preceding six-month period, and determine if each inquiry meets the requirements established in policy section 462.3(a). Also the PSSB Lieutenant shall review, every January and July, all of the agencies and entities that the Carlsbad Police Department shares detection data with to ensure compliance with applicable policy and law. These audits shall be documented in the form of an internal department memorandum to the Chief of Police. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by PSSB.

#### **462.7 ALPR DATA DETECTION BROWSING INQUIRY DOCUMENTATION AUDITS**

It is the responsibility of the ALPR Administration Lieutenant, every month, to ensure that every Detection Browsing Inquiry conducted within the previous month contains either the associated Carlsbad Police case number or incident number, and a reason for the inquiry. In the event that a Detection Browsing Inquiry was conducted without the proper documentation, the ALPR Administration Lieutenant shall obtain an internal memorandum from the employee who conducted the inquiry which shall document the associated Carlsbad Police case number or incident number, and reason for the inquiry. The ALPR Administration Lieutenant shall, every month, review all agencies and entities that the Carlsbad Police Department shares detection data with to ensure compliance with the applicable department policy and law.

The ALPR Lieutenant shall forward the associated audit records and any memorandums to be filed in the Professional Standards and Services Bureau file related to ALPR Detection Browsing Inquiry audits.

#### **462.8 TRAINING**

The Training Coordinator should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

---

# EMERGENCY HOTEL VOUCHER PILOT PROGRAM

## 463.1 POLICY

This pilot hotel voucher program was approved by City Council on 9/28/21 in conjunction with the City Council goal of reducing the homeless unsheltered population, among those who want help, by 50% within five years. The pilot program will run for 12-months from its adoption by City Council on 09/28/2021.

## 463.2 PURPOSE AND SCOPE

The purpose of this policy is to establish a protocol for the pilot program in regard to hotel vouchers issued for a one-night stay at an economy hotel. The Watch Commander will have the authority to issue a one-night hotel voucher, if he/she finds it in his/her discretion, that the issuance of the hotel voucher is in furtherance of the safety and welfare of the person involved and the community as a whole.

When an officer contacts a person experiencing homelessness, the officer should evaluate if an emergency hotel voucher would be appropriate under the circumstances.

A suitable candidate for the voucher program would be:

- (a) Unsheltered and does not have reasonable access to housing.
- (b) Able to ambulate without a need for support.
- (c) Able to comply with no alcohol or drug usage while using the voucher program.

Persons who would not be suitable for a voucher under this pilot program would be:

- (a) If the person is arrestable for offenses of 647(f) P.C. or 11550(a) H&S.
- (b) If the person is subject to a 5150 W&I hold.
- (c) If the person reasonably appears to have the ability to pay for their own room.
- (d) If the person reasonably appears to have access to adequate shelter with family or friend.
- (e) If the person repeatedly has refused assistance from HOT.
- (f) If the person has already been provided three hotel vouchers within the pilot program.  
(The Watch Commander has the authority to issue additional vouchers at his/her discretion.)
- (g) If the person was arrested for possession of narcotics or drug paraphernalia during the officer's initial contact

## *EMERGENCY HOTEL VOUCHER PILOT PROGRAM*

---

### **463.3 REFERRAL PROTOCOL**

#### **463.3.1 OFFICER REFERRAL RESPONSIBILITIES**

The officer should advise the Watch Commander of the person who may be considered for a voucher. The officer should communicate to the Watch Commander the reasons the officer believes the person is a good candidate for a voucher along with any concerns the officer may have with respect to the person's suitability for a voucher.

If the Watch Commander approves the issuance of a voucher, the officer will provide voluntary transport for the person to the hotel.

The officer will ensure the person is checked into their room and inform the person that the Homeless Outreach Team will make contact in the morning (prior to check out) to help bridge the person to additional resources. The officer should provide the person with a HOT business card and brochure.

The officer shall document the offer of any voucher, the person's acceptance or refusal of the voucher, and the acceptance or refusal of any other available services, via the Police Department's HELP app and generate a HOT referral for follow-up.

#### **463.3.2 WATCH COMMANDER RESPONSIBILITIES**

- (a) Approve or deny the issuance of a voucher based on his/her assessment if the issuance of the voucher is in furtherance of the safety and wellbeing of the person involved and the community as a whole.
- (b) If the Watch Commander approves the issuance of the voucher and the person accepts the voucher, the Watch Commander should facilitate paying for a one-night stay at a local economy hotel. The hotel should be located as close as reasonably possible to the location where the homeless individual was contacted, depending on vacancies and the hotel's willingness to accept the voucher.
- (c) Upon acceptance of a voucher, the Watch Commander shall record the person's name, date of birth, location of the initial contact, name of economy hotel where voucher utilized, and the price of the hotel stay in the Hotel Voucher Pilot Program Log.
- (d) Watch Commanders shall review the Homeless Outreach Team sergeants' emails providing a summary of outcomes when vouchers are utilized.

#### **463.3.3 HOMELESS OUTREACH TEAM RESPONSIBILITIES**

When hotel vouchers are issued, HOT will provide the following services:

- (a) HOT will follow up the next day at a reasonable hour based on their check-in time and prior to check-out time, to facilitate the provision of additional services and resources. HOT will liaison with the Housing and Homeless Services Division in order to connect the person with available resources.
- (b) HOT will document and update the follow-up contact in the HELP app.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *EMERGENCY HOTEL VOUCHER PILOT PROGRAM*

---

A HOT sergeant will send an email to the Watch Commander group and the Special Investigations Lieutenant providing a summary of follow up contacts and outcomes for persons provided vouchers.

The HOT Sergeant will report pilot program data at the weekly CARS meetings and at the Quarterly CARS presentations.

The Special Investigations Lieutenant shall report pilot program data to the Housing and Homeless Services Department.

---

## 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 Carlsbad Police Department recognizes that members of the homeless community are often in need of special protection and services. The Carlsbad 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 Carlsbad 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*

---

### **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 Senior and Disability Victimization 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 supervisor should be consulted. The property should be photographed and measures should be



## *Homeless Persons*

---

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. Additionally, verbal, written, or posted notice to the owner of the personal property shall be given 48 hours prior to clean up. 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 (See Policy § 418).

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.

---

## Tarasoff Notifications

### 465.1 PURPOSE AND SCOPE

#### TARASOFF NOTIFICATIONS

Tarasoff v. Regents of the University of California. The Department will investigate and document all notifications by licensed psychotherapists where a serious threat of violence has been made against another person by one of their patients as defined in Welfare and Institutions Code sections 8100-8105. The Department will adhere to required Department of Justice notification of a patient's mental health information as described in these Welfare and Institutions Code sections.

#### 465.1.1 PROCEDURE

##### TARASOFF NOTIFICATIONS

The California Supreme Court ruled psychotherapists have a duty to warn a potential victim of a serious threat of violence made by one of their patients. Per the Welfare and Institutions code any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim is prohibited from possessing or purchasing any firearm or other deadly weapon for a period of six months. Welfare and Institutions Code 8105 (c) requires licensed psychotherapists to report the identity of these prohibited persons to local law enforcement agencies. Upon receiving a report from a licensed psychotherapist concerning the identity of a prohibited person, law enforcement is required to immediately notify the Department of Justice.

#### 465.1.2 COMMUNICATION CENTER RESPONSIBILITY

Upon receiving a Tarasoff Notification, the Communication Center will enter a call for service into CAD. The call type used will be "TARA". The call taker (or Communications Center) will obtain the reporting party's full name, address, and telephone number. The Communication Center (or call taker) will also obtain as much information about the victim, suspect and other circumstances as possible. If the victim or suspect is not in the Carlsbad Police Department's jurisdiction, the call will be transferred to the appropriate law enforcement agency. The call should still be documented into CAD along with the disposition of advising the appropriate agency. The "TARA" call type will be a priority two call and two officers should be dispatched. The patrol supervisor should be notified of all Tarasoff notifications.

#### 465.1.3 PATROL RESPONSIBILITIES

Patrol will make a reasonable attempt to locate the suspect, and although law enforcement is not required by law to notify the victim, officers will make a reasonable attempt to contact the intended victim. The victim should be given information about the threat of violence and the identity of the suspect. If the suspect is located, appropriate action should be taken based on the circumstances surrounding the nature of the threat and weapons considerations (see below). Patrol officers shall complete a Case Report detailing the incident and any actions taken. Patrol officers will also complete a FD4074 Law Enforcement Report of Firearms Prohibition. The form will be faxed by

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Tarasoff Notifications*

---

the patrol station to the Department of Justice and a copy of the form will be scanned and attached to the Case Report. Patrol officers will document in their report the date and time the form was faxed. It should be noted these forms are only to be used in cases which involve a licensed psychotherapist making a TARASOFF notification and not for other crime reporting purposes.

#### 465.1.4 WEAPONS CONSIDERATIONS

Pursuant to Welfare and Institution Code 8100 (b)(1), a person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims is prohibited from possessing, having under custody or control, purchasing, receiving, or attempting to purchase or receive any firearms or other deadly weapon for six months. This prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency.

Per Welfare and Institutions Code 8102, whenever a person, described in Welfare and Institution Code Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. The arresting officer shall notify the person of the procedure for the return of any firearm or other deadly weapon that has been confiscated. Officers must keep in mind current search and seizure considerations for confiscating weapons.

---

# Homeless Engagement Leading to Progress (HELP) Application

## 466.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Department on the utilization and functionality of the Homeless Engagement Leading to Progress (HELP) application.

## 466.2 ADMINISTRATION OF HELP APPLICATION

All maintenance of the HELP application will be managed by the City's Geographic Information System (GIS) personnel within the Information Technology (IT) Department. The data entered into the application will be stored on servers (FBI CJIS compliant) that are controlled by the city's IT Department.

### 466.2.1 DEFINITIONS

The HELP application is a custom configuration of various products and solutions offered by Esri through its ArcGIS Online (AGOL) service. ArcGIS Online is Esri's cloud-based deployment of GIS technology for collecting, editing, displaying, and analyzing data and geographical information. The HELP application integrates with Carlsbad's on-premises GIS servers to store the HELP records in the Department's applications. It also integrates with Okta to facilitate user login and manage access to authorized city staff.

The following definitions apply to this policy pursuant to 42 U. S. Code § 11302 - "General definition of homeless individual":

- (a) In general, the terms "homeless," "homeless individual," and "homeless person" mean:
1. an individual or family who lacks a fixed, regular, and adequate nighttime residence;
  2. an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  3. an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
  4. an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
  5. an individual or family who—
    - A. will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Homeless Engagement Leading to Progress (HELP) Application*

---

- motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—
- i. a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
  - ii. the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
  - iii. credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
- B. has no subsequent residence identified; and
- C. lacks the resources or support networks needed to obtain other permanent housing; and
6. unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—
- A. have experienced a long-term period without living independently in permanent housing,
  - B. have experienced persistent instability as measured by frequent moves over such period, and
  - C. can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

### **466.3 AUTHORIZED USERS AND INFORMATION ENTRY**

"Authorized Users," as defined herein, shall include all sworn Department personnel, Community Service Officers, and Rangers. Authorized Users, after contacting an individual defined as homeless, shall enter the information of the individual into the HELP application as described in this section. The Crime Analysis Unit will not be authorized to enter individuals into the HELP application, but they will be authorized to view the information in the application and informally report that information within the Department only. All Authorized Users and those viewing the information shall remain compliant with and certified to view FBI CJIS information.

Authorized Users shall enter the following information:

- (a) **Contact:** Information entered in the HELP application to establish a base record for a homeless individual. Such information can include a photo, demographics, mailing or temporary address (if any), phone number, email address, residential history and provenance, duration of homelessness, veteran status, local criminal history, known

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Homeless Engagement Leading to Progress (HELP) Application*

---

associates, and notice of special needs or safety concerns. Contact information can be updated by any Authorized User as needed to maintain accuracy.

- (b) **Referral:** Information entered in the HELP application for each interaction with a homeless individual who has been entered as a contact in the HELP application and the outcome of the interaction, which may include a referral to HOT for additional services. Such information can include date and location of contact, evidence of any encampments present at the point of contact, services accepted or declined, referral to HOT, aggressive behavior, factors contributing to homelessness, enforcement action, community risk factors, and a narrative free of personal identifying information (PII).
- (c) **Camps:** Information entered in the HELP application when encampments are encountered within the city. Such information will include date encampment discovered or established (if known), origin of call, location, encampment cleanup disposition, notes, narrative, and a photo.

All referral and camp entries shall be associated with a CAD Incident Number. The application will not accept a new referral and camp entry without an associated CAD Incident Number.

### **466.4 NOTICE TO INDIVIDUALS**

When an officer makes contact with a subject meeting the criteria for entry into the HELP application and the officer intends on entering the individual, the officer must inform the individual their personal information will be entered into the HELP application, by stating something similar to, "Your information will be maintained to gauge resources needed to assist the homeless. If you do not want your information to be included, contact the Homeless Outreach Team supervision to request removal." This shall be done in person while BWC is activated. If an officer encounters an individual who contests entry, the officer should document "Removal Requested" in their entry narrative and a supervisor should be advised of the request.

Individuals who have been entered into the HELP application prior to the existence of this policy, shall be notified in person, phone, or by written communication of their current existence in the HELP application. Those who wish to contest their entry should be given the phone number to the HOT supervisor. HOT Supervision will follow-up with the individual. If the individual meets the legal definition of being homeless per policy 466.2.1, their information will remain in the application.

### **466.5 INFORMATION SHARING**

The HELP application is specifically designed for use by the Department to be adaptive and responsive to the needs of the community and persons experiencing homelessness based on current information. Information will only be used for official or legitimate law enforcement purposes. The HELP application is for internal use only and will not be used to share any personal identifying information (PII) contained in the application with other law enforcement entities, governmental agencies, or non-government agencies without the authorization from the Chief of Police or designee and in compliance with all applicable laws.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Homeless Engagement Leading to Progress (HELP) Application*

---

### **466.6 TRAINING**

All Authorized Users will receive training on the utilization and functionality of the HELP application. HOT supervision is responsible for training all Authorized Users and must maintain training material to ensure all information is up to date. The Department's designated training coordinator should ensure and document that Authorized Users receive department-approved training presented by the HOT supervision.

### **466.7 DATA RETENTION**

Any contact entered in the HELP application which is not modified by the addition of a new referral within a 1-year period will be automatically purged. Once a homeless individual is documented, upon the first entry, the 1-year retention period begins. The retention period automatically resets to 1-year each time a new referral is made for the individual. Once an individual has not been contacted over the course of 1-year, the HELP application will automatically purge the data related to the individual. The information retained in the HELP application will be subject to a semiannual audit to validate compliance with data retention criteria.

### **466.8 AUDITING AND QUALITY CONTROL**

The Special Investigations Lieutenant, the HOT supervisors and the CSO(s) assigned to the HOT will have administrative rights to the data that is entered into the HELP application. This will allow for auditing and quality control.

Quality control includes merging duplicate entries, correcting data entered incorrectly, or deleting the entries of individuals who contest their information being entered into the HELP application and are determined not to be homeless pursuant to 42 U.S. Code § 11302. The HELP application records the date and time of the original entry and the most recent edit. All edits made to entries shall be noted in the administrative rights edit log that is built into the administrative rights portal of the HELP application. Software can only be altered by the IT Department and, with the exception of "Update Contact Info," the Authorized User cannot alter or edit entries.

Authorized Users of the HELP application can edit existing records using the "Update Contact Info" feature. This is intended to allow Authorized Users to add pertinent information that may not exist in the record, or correct information in the record that was not properly entered. Authorized Users cannot delete a contact and cannot edit referrals or camps once they have been entered. If such edits are needed, a Homeless Outreach Team Supervisor should be contacted. Only those persons specified in paragraph 1 of this section can alter or edit entries.

It is the responsibility of the Special Investigations Lieutenant to ensure that semiannual audits are conducted of the HELP application. The audit shall randomly select 10 entries and verify that the information meets the requirements established in policy 466.2.1. These audits shall be documented in the form of an internal Department memorandum to the Chief of Police. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by the Professional Standards and Services Bureau.

## Arrest of Dignitary or Law Enforcement Employee

### **467.1 PURPOSE AND SCOPE: TO PROVIDE PROTOCOLS TO OFFICERS AND SUPERVISORS WHEN ARRESTING /DETAINING DIGNITARIES OR LAW ENFORCEMENT EMPLOYEES**

For the purposes of this directive dignitary is defined as:

A federal, state, county, or local government official (elected or appointed) A federal, state, county, or local member of governing boards (e.g. school boards, planning commissions, ETC.). Law enforcement employees sworn and non-sworn

A Carlsbad Police Department supervisor is required to respond to a lawful detention or arrest of anyone meeting the above criteria. The responding supervisor will be responsible for ensuring that appropriate investigative actions are taken, up to and including arrest if necessary. The on-duty watch commander will have the ultimate responsibility for ensuring that a department supervisor takes responsibility for the detentions and arrests of dignitaries or law enforcement employees.

The on duty watch commander will also be responsible for ensuring that appropriate notifications are made to Carlsbad Police Department command staff.



---

## Medical Aid and Response

### 468.1 POLICY

It is the policy of the Carlsbad Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 468.2 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications 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 Communications 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.

### 468.3 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Medical Aid and Response*

---

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.

#### **468.4 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **468.5 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.

#### **468.6 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Medical Aid and Response*

---

The Field Operations Division 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 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 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.
- Ensure that no one smokes near the aircraft.

#### **468.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

##### **468.7.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Coordinator who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Medical Aid and Response*

---

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

#### 468.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

#### 468.7.3 AED TRAINING AND MAINTENANCE

The Training Coordinator should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Coordinator is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

### **468.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9). Individuals who have been identified as trainers and who have received the required applicable training, may provide naloxone training to employees.

In 2018, Assembly Bill 2256 authorized the administration of naloxone by law enforcement agencies: Officers must complete the training on how to deliver the medication as described in section 468.8.3.

Officers must document usage, monitor their supply and ensure destruction of expired medication as described in section 468.8.1 and 468.8.2.

#### 468.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Naloxone expires 36 months from the date of manufacturing. Naloxone should be stored between 41 degrees 104 degrees Fahrenheit. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Professional Standards and Services Bureau via chain of command .

Officer's issued naloxone will be responsible for maintaining and storing the product as described by the manufacturer. Naloxone/Narcan shall be stored in accordance with the manufacturer's instructions, typically described as stored in a climate-controlled area where access can be controlled. Officers should keep the naloxone in an easily accessible area convenient for deployment.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Medical Aid and Response*

---

In addition to checking the medication at the beginning of the officer's shift, inspections of the trauma kits and Opioid Overdose Medication (Naloxone) should be completed at the quarterly squad inspections. Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

#### **468.8.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report. Officers shall document the circumstances surrounding the use of naloxone. The report shall include the serial number(s) of the naloxone used as well as identifying information for the assisted person.

The Training Coordinator will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements. The Professional Standards and Services Bureau will conduct a bi-annual audit of naloxone on the deployment and effectiveness of the product.

#### **468.8.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Professional Standards and Services Bureau will ensure training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the Carlsbad Fire Department in concurrence with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22). Once an employee is trained, no refresher training is needed, unless the product's delivery method changes.

#### **468.8.4 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

#### **468.9 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.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Medical Aid and Response*

---

### **468.10 FIRST AID TRAINING**

The Training Coordinator should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

## Crisis Intervention Incidents

### 469.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 469.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 469.2 POLICY

The Carlsbad Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 469.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Intervention Incidents*

---

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **469.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **469.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.



## *Crisis Intervention Incidents*

---

- (k) If circumstances reasonably permit, consider and employ alternatives to force.

### **469.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **469.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

## *Crisis Intervention Incidents*

---

### **469.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **469.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **469.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

### **469.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Crisis Intervention Incidents*

---

may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **469.11 EVALUATION**

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **469.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

---

## Public Recording of Law Enforcement Activity

### 470.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 470.2 POLICY

The Carlsbad Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 470.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 470.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Public Recording of Law Enforcement Activity*

---

behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **470.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **470.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Public Recording of Law Enforcement Activity*

---

evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

---

# First Amendment Assemblies

## 471.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 471.2 POLICY

The Carlsbad 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.

## 471.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *First Amendment Assemblies*

---

#### 471.3.1 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.

#### 471.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 471.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 471.5.1 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.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *First Amendment Assemblies*

---

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 471.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

## *First Amendment Assemblies*

---

- (t) Parameters for the use of body-worn cameras and other portable recording devices.

### **471.5.3 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 Outside Agency Assistance Policy).

### **471.6 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.

### **471.7 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*

---

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.

### **471.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL**

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
  - 1. A violation of an imposed curfew.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *First Amendment Assemblies*

---

2. A verbal threat.
  3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

#### **471.8.1 USE SUMMARY**

The Field Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

#### **471.9 ARRESTS**

The Carlsbad 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).

#### **471.10 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

## *First Amendment Assemblies*

---

### 471.10.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

### 471.11 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.

### 471.12 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

#### 471.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *First Amendment Assemblies*

---

### **471.13 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

## 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 Carlsbad 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:



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Traffic Function and Responsibility*

---

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

#### 500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

#### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

#### **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

#### **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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Traffic Function and Responsibility*

---

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 shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. A Professional Standards and Services Division sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

## Traffic Collision Reporting

### 502.1 PURPOSE AND SCOPE

The Carlsbad Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

### 502.2 RESPONSIBILITY

The Traffic Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Traffic Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

### 502.3 REPORTING SITUATIONS

#### 502.3.1 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 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 Incident Report shall be completed and forwarded to the Traffic Lieutenant for review.

An employee involved in a collision shall notify their immediate supervisor, or the watch commander, if their immediate supervisor is unavailable, immediately after or as soon as practical after a collision occurs involving a city owned vehicle.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

#### 502.3.2 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 Carlsbad Police Department resulting in a serious injury or fatality, the Traffic Lieutenant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

#### 502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Lieutenant 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.

#### 502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Traffic Collision Reporting*

---

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. The responding officer should facilitate an information exchange or an Incident Report may be taken at the discretion of any supervisor.

#### **502.3.5 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 an arrest is made as a result of the collision
- (c) When a report is requested by any involved driver
- (d) At the direction of a supervisor

#### **502.3.6 NON-INJURY TRAFFIC COLLISION REPORTING ON ROADWAYS OR HIGHWAY**

Under most circumstances the responding officers should facilitate an information exchange between the parties.

#### **502.4 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 to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

---

# Sky Watch Observation Tower Operations Policy

## 503.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of the SkyWatch Observation Tower and for the storage, retrieval and dissemination of images and data captured by the Sky Watch Observation Tower.

## 503.2 DEFINITION

Definitions related to this policy include:

The Mobile Sky Watch Observation Tower is a self-contained observation platform that provides high level surveillance at a 30ft aerial vantage point. The portable tower is equipped with a 360 degree zoom camera with FLIR night vision capability. The Tower is cooled and heated for any condition and has a public address system, siren, flashing police lights and spot lights. Sky Watch Observation Tower can be used for a variety of Law Enforcement Operations.

## 503.3 POLICY

Many crimes can be prevented and/or detected by the aid of surveillance systems that can record what Carlsbad Police Department surveillance teams observe. The Carlsbad Police Department Sky Watch Observation Tower is a highly effective surveillance platform that is available for use by any Division of the Carlsbad Police Department upon request to the Sky Watch Operations Manager. Upon a showing of a surveillance need that the Sky Watch Observation Tower can assist, the tower will be deployed and set up by a member(s) of the Sky Watch Operations Unit.

## 503.4 PRIVACY

The use of the Sky Watch Tower potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during the Sky Watch Observation Tower operations.

## 503.5 PROCEDURES

### A. Deployments:

The SkyWatch Observation Tower can be used by any Division of the Carlsbad Police Department by request and a showing of a particularized need through the SkyWatch Operations Manager for planned or unplanned operations such as:

1. Operations in Riots, Protests, or Large Scaled Events.
2. Sporting Events.

## *Sky Watch Observation Tower Operations Policy*

---

3. Patrol Initiatives such as:

- a. Traffic Enforcement
- b. DUI Enforcement
- c. Crime Initiatives
- d. Gang Initiatives
- e. Public Events
- f. Parking Lot Security
- g. Auto Thefts and Burglaries of Motor Vehicles
- h. Lost Children/Elderly searches
- i. Long-term Surveillance Operations

4. Other missions/operations as deemed appropriate by the SkyWatch

Operations Manager or Command Staff.

### **B. Requests for Deployments**

Any Division Supervisor of the rank of Sergeant or above may

request the use of the SkyWatch Observation Tower by a request to the SkyWatch Operations Manager. This request should detail why the SkyWatch Observation Tower is particularly suited for the deployment requested. Only SkyWatch Operations Personnel will deliver, set up and remove the SkyWatch Observation Tower. If approved, the following procedures will occur:

- (a) The SkyWatch Operations Manager will have the SkyWatch Observation Tower delivered to a predetermined location for set-up.
  - a. The designated area must be at least 30 ft by 30 ft flat level surface to hold the weight of 14 thousand lbs.
  - b. The area must be free of power lines and other obstructions.
  - c. If the location is on private property, owner consent must be obtained either written or verbal.
- 2. Set-up and removal procedures.
  - a. The SkyWatch Observation Tower must be pulled by a 1 ton or larger capacity vehicle.
  - b. Leveling and out-rigging are crucial and will be done by a member(s) of the SkyWatch Operations Personnel according to manufacturer's recommendations.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Sky Watch Observation Tower Operations Policy*

---

- c. The SkyWatch Observation Tower will be operated and staffed by at least one SkyWatch Operations Personnel.
- d. The Tower operations will be turned over to the requesting personnel and an activity log will be maintained:

Date/Time and Officer who set up and removed the Tower.

Personnel operating the Tower

Name and Type of Operation

Comments of any problems encountered with equipment

- e. Once an operation is completed for the day, the SkyWatch Operations Personnel will take down the Tower and move it to a secured storage Location.

### 3. SkyWatch Operation.

- a. Pre-Operation Checks: Visually inspect the Tower and make sure there are no obstructions, oil leaks, loose parts, or severed cables.
- b. Do Not deploy more than 3 officers inside the Officer's Compartment.
- c. Do Not operate if wind speeds are above 35 MPH. Continually check the electronic "Weather Station" display for updates.
- d. The Compartment door must be closed for the SkyWatch Observations Tower to operate.
- e. Once personnel are inside the tower and the door is shut, the safety cable must be attached from the inside door to the safety ring.
- f. The SkyWatch Observation Tower is equipped with 3, AC 110 Volt power outlets for electronic accessories. Do Not add power strips or other multi-outlet devices.
- g. To elevate the compartment locate and press the switch on the control panel. Hold the switch in the up position until the SkyWatch Observation Tower is fully elevated then release the button. DO NOT stop and use in a Semi-raised position.
- h. To lower the Compartment, locate and press the switch on the control panel. Hold the switch in the down position until the SkyWatch Observation

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Sky Watch Observation Tower Operations Policy*

---

Tower is completely down to the ground and then release the button.

DO NOT stop and use in a semi raised position.

- i. In case of emergency or power outage while SkyWatch Observation Tower is in the raised position, locate the emergency release lever near the door and pull up and the SkyWatch Observation Tower will slowly descend without power.
4. The SkyWatch Operations Manager will maintain records of all uses of the SkyWatch Observation Tower and all maintenance records.

### **503.6 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists absent a warrant or exigent circumstances. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

### **503.7 MEDIA STORAGE**

All media will be stored in a secure area with access restricted to authorized persons. Recordings not otherwise needed for official reasons shall be retained for a period of not less than one year and thereafter should be erased with the written consent of the City Attorney. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures (Government Code § 34090.6).



## 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 Carlsbad Police Department. Nothing in this policy shall require the Department 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 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 Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Carlsbad. 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 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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Towing and Release*

---

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

#### 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 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Towing and Release*

---

#### 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.
- (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 Carlsbad 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 against fraudulent claims of lost, stolen, or damaged property.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Towing and Release*

---

#### **510.5 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

#### **510.6 RELEASE OF VEHICLE**

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. 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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Vehicle Towing and Release*

---

requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

---

## 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 Carlsbad 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 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Impound Hearings*

---

where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
  - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

---

## 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 Carlsbad 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 should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Lieutenant 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 documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (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 JAIL RESTRAINT CHAIR

The jail restraint chair shall only be used to secure prisoners for the purpose of completing a non-consensual chemical test.

- (a) The jail restraint chair shall only be used with the authorization of the on-duty watch commander or field supervisor.
- (b) Only sworn officers trained in the use of the jail restraint chair are authorized to place or monitor a prisoner in the chair.



## *Impaired Driving*

---

- (c) The prisoner shall not be left unattended once placed into the jail restraint chair.
- (d) Other prisoners shall be kept physically separated from the restrained subject while secured in the jail restraint chair.
- (e) No prisoner shall be placed into the jail restraint chair for more than 2 hours.
- (f) Use of the jail restraint chair shall be documented by the officer who places the prisoner in the chair.
  1. The documentation shall consist of a written report justifying the use of the jail restraint chair.
  2. The officer shall indicate the duration of time that the prisoner was in the chair.
  3. When any subject is placed in the jail restraint chair, the involved officers shall activate their BWC.
  4. The on-duty supervisor or watch commander will record the incident via their BWC or other similar recording device.
- (g) Prisoners who are placed in the jail restraint chair for the purpose of a non-consensual chemical test shall be removed from the chair as soon as practical after the test is completed.

### **514.5 FIELD TESTS**

The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### **514.6 CHEMICAL TESTS**

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

## *Impaired Driving*

---

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.

### 514.6.1 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)).

### 514.6.2 BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

### 514.6.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Impaired Driving*

---

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.

#### 514.6.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

#### 514.6.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### 514.6.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, 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).

#### 514.6.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of 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).

## *Impaired Driving*

---

### **514.7 REFUSALS**

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **514.7.1 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 person who refuses a chemical test is confirmed to be subject to a conditional 4th waiver search.
- (c) 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.

#### **514.7.2 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Impaired Driving*

---

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

#### **514.7.3 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)).

#### **514.8 RECORDS DIVISION RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **514.9 ADMINISTRATIVE HEARINGS**

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

#### **514.10 TRAINING**

The Training Coordinator should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

#### **514.11 ARREST AND INVESTIGATION**

##### **514.11.1 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Impaired Driving*

---

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.

#### 514.11.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

## Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

The Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records 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 Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Field Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Field Operations Division Commander for review.

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be forwarded to the Records Bureau.

### 516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a citation correction form. The citation and correction form shall then be forwarded to the Records Bureau. The Records Bureau shall forward the citation and correction to the court having jurisdiction and to the recipient of the citation.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Traffic Citations*

---

#### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with this department, all employees issued traffic citation 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 (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Carlsbad 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 § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Traffic Citations*

---

- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

#### 516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### 516.8 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 VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

## 72-Hour Parking Violations

### 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Carlsbad City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

### 524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Carlsbad 72-Hour Parking Ordinance shall be marked and noted on the Carlsbad Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

#### 524.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Community Service Officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

#### 524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Division following the storage of the vehicle. It shall be the responsibility of the Communications 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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *72-Hour Parking Violations*

---

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).

## Collision Review Board

### 527.1 PURPOSE AND SCOPE

It is the purpose of this directive to establish a process by which traffic collisions involving department vehicles are reviewed to determine whether the collision was preventable.

### 527.2 PROCEDURE

- (a) Collision Review Board
  - 1. The Collision Review Board shall consist of the traffic division lieutenant, one sergeant, and one officer for a total of three officers.
  - 2. The traffic lieutenant shall serve as the board chairperson.
  - 3. Board members shall be selected by the field operations captain and serve at his/her discretion.
  - 4. In addition to the selected board, the captain shall designate two alternate members of appropriate rank.
  - 5. No board member shall sit in review of a collision in which he/she was involved.
- (b) Meeting Notification
  - 1. The board chairperson shall compile collision reports involving department vehicles.
  - 2. Such reports shall then be reviewed and the chairperson will convene the board as necessary.
- (c) Depending upon the extent of damage to City or private property, injuries, or overall nature of the collision, the board chairperson may call for either an informal or formal board.
  - 1. An informal board reviews collisions where the employee is not at fault or for those involving minimal damage to another vehicle or property.
    - (a) Involved employees need not attend an informal board.
    - (b) An informal board may move to a formal board if any board member recommends the collision under discussion be reviewed under the formal board process; or the employee (within ten days of receiving the findings of an informal board review) requests of the traffic lieutenant that his/her incident be reviewed under the formal board process.
  - 2. A formal board reviews collisions involving possible department policy violations or other areas of potential liability.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Collision Review Board*

---

- (a) The employee involved in the collision is required to attend and shall be allowed to have a representative of their choice present. The employee's representative may be an attorney, a member of the police association, or anyone else not involved in the collision.
- (b) Additionally, employees attending formal boards shall be afforded all the protections of 3300 of the California Government Code (Police Officer Bill of Rights).

#### 527.2.1 FINDINGS AFTER REVIEW

After consideration of all available information, the board shall make findings regarding the apparent cause of the collision and any steps that could have been taken to avoid the collision.

#### 527.2.2 REPORT PREPARATION

- (a) The board chairperson, or other member at his/her direction, shall prepare a written report of the board's findings.
- (b) The report shall be signed by the board chairperson and forwarded to the appropriate division commander for review.

#### 527.2.3 EMPLOYEE NOTICE

A copy of the report shall be forwarded to the affected employee and the employee's immediate supervisors.

#### 527.2.4 REPORT USE

The report shall be used for department purposes only.

## Traffic Radar/Laser

### 528.1 PURPOSE AND SCOPE

The purpose of this policy is to assure the proper use and care of the department's traffic radar and laser speed measuring devices.

### 528.2 PROCEDURE

- (a) The department shall only purchase and operate radars/lasers that have been accepted by the local courts for speed enforcement evidence.
- (b) Officers should receive POST certification prior to using traffic radar as a speed enforcement device.
- (c) Officers must receive POST certification (radar and laser) prior to using traffic laser as a speed enforcement device.
- (d) Operation
  - 1. All radar/laser units shall be operated as described in the manufacturer's operation manual.
  - 2. Radar/laser units that do not appear to be working properly shall be forwarded to the traffic division with a written explanation as to the apparent malfunction.
  - 3. Radar/laser units assigned to patrol shall be stored in the radar/laser cabinet when not in use.
  - 4. Radar/laser units, cases, tuning fork(s) and holders shall be removed from patrol units at the end of each shift except in cases where the oncoming officer assumes responsibility for the radar/laser unit.

## DUI Billing Procedures

### 529.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a DUI billing process and appeal procedure in accordance with Government Code section 53150, which authorizes cities to recover costs associated with the emergency response to any accident that is caused by a driver under the influence of alcohol or drugs or the combination of both.

#### Billing Procedure

- (a) The traffic division community service officer (CSO) will prepare a "Services Reimbursement Form" for traffic collisions when the driver most at fault is arrested for driving under the influence of alcohol or drugs or the combination of both as follows:
- (b) Police Personnel Billed - Each police officer identified as responding to the incident on the CAD log will be indicated on the "Services Reimbursement Form."
- (c) Each police employee's billed time will begin at the time assigned to the incident and will end when the employee clears the scene; except that billable officer(s) time shall also include:
  1. Accompanying the suspect to a medical facility.
  2. Transporting and booking a suspect at a detention facility.
  3. Interviews of other parties at a medical facility.
- (d) The rate at which police services are billed will be determined on the basis of the citywide fee schedule in effect at the time of the incident.
- (e) Fire Personnel/Equipment Billed - Each fire unit identified on the CAD log will be indicated on the "Services Reimbursement Form."
  1. Each fire unit's billed time will begin at the time assigned to the incident and will end when the fire unit clears the scene.
  2. The rate at which fire services are billed will be determined on the basis of the citywide fee schedule in effect at the time of the incident.
- (f) The "Service Reimbursement Form" and a copy of the CAD log will be forwarded to the appropriate Watch Commander for review. The Watch Commander shall:
  1. Verify that identified employees were on scene as part of the collision response.
  2. Employees on scene as a training opportunity or for other non-essential reasons should be removed from the bill.
  3. Check the police billed times for accuracy.
  4. Sign and return the "Service Reimbursement Form" to the traffic division CSO.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *DUI Billing Procedures*

---

- (g) The traffic division CSO will prepare a final "Services Reimbursement Form" and City "Request For Billing," for approval by the Traffic Sergeant or authorized designee.
- (h) The approved "Services Reimbursement Form" and City "Request For Billing," will be sent to the finance department.
- (i) Copies of the CAD log(s), the corrected and signed preliminary bill, final bill and City "Request For Billing" will be retained in the case file.
- (j) An informal review of any DUI bill may be requested of the City within 90 days of the bill date.
  - 1. An informal review of the bill will be conducted by the Traffic Sergeant or authorized designee.
  - 2. The Informal Review will generally be accomplished with a telephone conversation during which the Traffic Sergeant will answer general questions regarding the bill.
  - 3. The party requesting the review should be referred to the Formal Review process if the Traffic Sergeant is unable to satisfy the requester or the requester wants to argue specific items on the bill.
  - 4. The Traffic Sergeant has the authority to dismiss any portion(s) of the bill deemed inappropriate.
  - 5. The copy of the findings of the Informal Review will be mailed to the requesting party within thirty (30) days of the completion of the review.
  - 6. The Traffic Sergeant shall put the Informal Review Findings in the case file.
- (k) The individual billed and/or their attorney may request a formal review of a DUI bill within ninety (90) days of the bill date. A Formal Review may also be requested within thirty (30) days of the date the Informal Review finding is mailed.
  - 1. The Formal Review will generally be accomplished by holding a formal meeting or hearing at the Carlsbad Police Department. If both parties agree the review may be held at another location or may be held as a telephonic hearing.
  - 2. The requester is required to submit evidence and points contested within fourteen (14) days of the request for a Formal Review to the Traffic Lieutenant.
  - 3. The Traffic Lieutenant will schedule a Formal Review within twenty-one (21) days of the receipt of the evidence and points contested.
  - 4. Either party may record the Formal Review after giving notice to the other party prior to the start of the hearing.
  - 5. The Traffic Sergeant or designee will present evidence that may include but is not limited to direct testimony of parties involved in the incident, dispatch tapes and Computer Aided Dispatch Logs to address the evidence and points

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *DUI Billing Procedures*

---

contested by the requester. The requester will be given the opportunity to question the evidence presented and will also be given the opportunity to make a statement concerning the material presented.

6. Based on the evidence presented, the Traffic Lieutenant has the authority to dismiss any portion(s) of the bill deemed inappropriate.
  7. Within fourteen (14) days of the completion of the Formal Review, the Traffic Lieutenant shall prepare a report identifying the findings of the Formal Review, and changes to the bill. A copy of the report will be mailed to the requester and the original filed in the case file.
- (l) The following factors will guide the Informal and Formal Reviews:
1. Any criminal case result is not dispositive of this civil remedy.
  2. The determination of sobriety shall be based on the best evidence available.
    - (a) The results of a chemical test completed at the time of arrest by the arresting authority shall generally be considered the best evidence.
    - (b) The results of a PAS test will follow a chemical test as best evidence.
    - (c) The arresting officer's report of the defendant's objective symptoms of alcohol and/or drug influence will follow the PAS test as best evidence.
- (m) The individual billed and/or their attorney may appeal the Formal Review findings to the City Council.
- (a) The requester must make the appeal within ten (10) calendar days after date of the Formal Review findings are mailed by filing a written request with the City Clerk pursuant to Carlsbad Municipal Code section 1.20.600.
  - (b) In the event that the City Council denies a requester's appeal, the requester may seek review in a court of competent jurisdiction.

## Preliminary Alcohol Screening Devices

### 530.1 PURPOSE AND SCOPE

The purpose of this policy is to assure the proper use and care of the department's preliminary alcohol screening devices (PAS). The department shall utilize PAS devices to aid in reducing traffic collisions by improving enforcement of laws concerning the operation of motor vehicles by drinking drivers.

### 530.2 PROCEDURE

- (a) Officers must receive department training prior to using the PAS device.
- (b) All PAS devices shall be used as described in the manufacturer's manual.
- (c) All PAS devices shall be checked for calibration accuracy at least every ten days. PAS devices assigned to individual officers shall be checked by the assigned officer and documented in the Accuracy Calibration sheet. Calibration, maintenance, and repairs will be the responsibility of the designated police employee (generally the assigned traffic officer.)
- (d) Any PAS device that is not working properly shall be turned over to the PAS coordinator with a written explanation of the malfunction.
- (e) The patrol PAS devices will be stored in the patrol sergeant's office. Individual who are assigned PAS devices shall store them in a secure location. Patrol PAS devices must be logged out at the beginning of each shift and returned to the patrol sergeant's office at the end of each shift.

#### 530.2.1 PROCEDURE FOR DUI

- (a) The PAS should be used as the final coordination/sobriety test.
- (b) The PAS is designed to be used as an additional tool to assist the officer in his/her evaluation of a driver's level of sobriety.
- (c) The PAS results should be considered as only one of many field sobriety observations.
- (d) The driver should be advised prior to the PAS test that the PAS test is optional, is only a field sobriety test, and doesn't fulfill his/her requirement to complete an implied consent test per 13353 CVC. If the officer determines that the driver is in violation of 23140 CVC, 23152 CVC, or 23153 CVC, the subsequent arrest report shall include the use of the PAS device as a field coordination/sobriety test.

#### 530.2.2 PROCEDURE FOR "ZERO TOLERANCE" (UNDER 21 YEARS)

- (a) If the driver is under 21 years old and displays any symptoms of alcohol intoxication, he/she shall be advised per form DS 367 of their requirement to submit to the PAS test.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Preliminary Alcohol Screening Devices*

---

- (b) If the driver is under 21 years old and the PAS test results are .01 percent or greater, or if the driver refuses to submit to the PAS test, the driver is in violation of 23136(a) CVC.
- (c) The officer shall seize the offender's California driver license (officers do not have the authority to seize out-of-state driver licenses), issue the driver Admin Per Se form D.S. 360A, and complete an Officer's Statement form DS 367.
- (d) Under the provisions of 23136 CVC and 23137 CVC there is no lawful authority to arrest the offender. Violation of 23136 CVC is not a criminal offense, simply a DMV administrative action.
- (e) The officer shall use sound professional judgment in determining the appropriate release disposition of the offender. This may include calling the parents of a juvenile offender (under 18) or suggesting alternative transportation for minor offenders (18-21 years).
- (f) Under the provisions of 22651 (h) (2) CVC, the vehicle may be stored after the officer serves a notice of suspension per 23137 CVC.

## Police Motorcycle Competitions

### **531.1 PURPOSE AND SCOPE: THE PURPOSE OF THIS PROTOCOL IS TO ASSURE CONSISTENT EXPECTATIONS IN THE ABILITY TO PARTICIPATE IN POLICE MOTORCYCLE COMPETITIONS.**

Protocol: The Carlsbad Police Department will make every effort to allow our motor officers to compete in police motorcycle competitions. In doing so we will respond as follows:

- a. San Diego County Competitions: The department will attempt to accommodate as many motor officers that want to compete. The competition will count as that month's monthly motor training day.
- b. Competitions in Southern California: For the purposes of this policy, Southern California will be described as the counties of Ventura, Los Angeles, San Bernardino, Riverside, Orange, and Imperial. The department will attempt to accommodate a minimum of four officers. Officers will be expected to drive to and from the competition on the date of the event. The department will attempt to allow motor officers to compete in competitions in Southern California when staffing and budget allow.
- c. Competitions outside of Southern California: The department will attempt to allow motor officers to compete in competitions outside of Southern California when staffing and budget allow.

Compensation: Officers will not be paid overtime for attending a competition. "Flex-time" will be allowed whenever reasonably possible. If an officer is on a regularly scheduled work day, they may attend the event, with supervisor approval, in lieu of their assigned duties.

## Chapter 6 - Investigation Operations

## Investigation and Prosecution

### **600.1 PURPOSE AND SCOPE**

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

### **600.2 MODIFICATION OF CHARGES FILED**

Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by a Division Commander or the Chief of Police.

### **600.3 CUSTODIAL INTERROGATION REQUIREMENTS**

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

## Sexual Assault Investigations

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 602.2 INVESTIGATION CONSIDERATIONS

#### 602.2.1 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 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

#### 602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" form containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If victim is transported to a hospital for any medical evidentiary or physical examination the investigating detective shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
  1. Prior to any such examination the assigned detective shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
  2. A support person may be excluded from the examination by the detective or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).



## *Sexual Assault Investigations*

---

### **602.3 TESTING OF SEXUAL ASSAULT EVIDENCE**

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

### **602.4 VICTIM NOTIFICATION OF DNA STATUS**

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
  - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
  - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

## *Sexual Assault Investigations*

---

- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. No officer shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

### **602.5 DESTRUCTION OF EVIDENCE**

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

### **602.6 DEPARTMENT RESPONSIBILITY FOR FORENSIC MEDICAL EXAMS**

It is the policy of the Department that expenses incurred for the forensic medical examination of a sexual assault victim are chargeable to the Department whenever it has jurisdiction over the investigation, regardless of whether the crime has been reported to the Department.

The Federal Violence Against Women Act, effective January 2009, describes a situation in which a sexual assault victim wishes to have a SART examination performed, but does not want to report the crime to law enforcement. This type of SART examination is called a non-investigative examination, and the cost of these is borne by the agency in the jurisdiction where the alleged crime is reported to have occurred.

The SART facility will assign a tracking number to each non-investigative case. This tracking number will be used to identify the victim if they choose to proceed with the standard crime report at a later date, and to identify the evidence obtained during the SART exam, which will be transferred to the appropriate law enforcement agency.

In cases involving the Carlsbad Police Department, a case number will be obtained, and an "Investigative Report (IR) will be generated. The victim will be identified as " Jane Doe" and by the tracking number given by the SART facility.

The SART evidence will be retained for the statutory time that the reported sex crime has set for it's statute of limitations and then disposed of through standard protocols. If, during this time, the victim chooses to have an investigation completed, they must contact the SART facility where the examination took place and complete the supplemental authorization forms. The SART facility will notify the Carlsbad Police Department and we will contact the victim and update the original IR case with a crime case, if appropriate.

## *Sexual Assault Investigations*

---

### **602.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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.

#### **602.7.1 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).

#### **602.7.2 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).

## *Sexual Assault Investigations*

---

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

### **602.8 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.

#### **602.8.1 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 is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
  - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
  - 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Sexual Assault Investigations*

---

Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

#### 602.8.2 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). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

## *Sexual Assault Investigations*

---

### **602.9 CASE REVIEW**

The Detective Divisionsupervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

### **602.10 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Divisionsupervisor.

Classification of a sexual assault case as unfounded requires the Detective Divisionsupervisor 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.

## Asset Forfeiture

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

### 606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

- (a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.
- (b) When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective in the Vice Narcotics and Intelligence Unit, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
- (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 or Narcotic Enforcement Team.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Asset Forfeiture*

---

#### 606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

#### 606.3.2 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).

#### 606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the VNIU supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

Seized vehicles should be towed to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

#### **606.4 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Section 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.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Asset Forfeiture*

---

- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

---

## Vice Narcotics Investigative Unit - Buy Fund

### 607.1 PURPOSE AND SCOPE

[Redacted]

#### Purpose and Scope

[Redacted]

#### Maintenance of Ledger and Supporting Documentation

[Redacted]

[Redacted]

[Redacted]

[Redacted]

#### Budgetary Process

[Redacted]

[Redacted]

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Vice Narcotics Investigative Unit - Buy Fund*

---

### **Mandated Audits**

In addition to the monthly audits conducted by the VNIU Sergeant and the Investigations Lieutenant, an audit of the Buy Fund will be conducted at the rotation of the VNIU Sergeant and/or the Investigations Lieutenant. An annual audit is conducted by the Finance Department at the City of Carlsbad.

Audit notices and results shall be provided to the Support Operations Captain.

---

## Informants

### 608.1 PURPOSE AND SCOPE

[REDACTED]

### 608.2 INFORMANT FILE SYSTEM

[REDACTED]  
[REDACTED]

#### 608.2.1 FILE SYSTEM PROCEDURE

[REDACTED]  
[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*Informants*

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Informants*

---

- (f) 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 Vice and Narcotics Investigation Unit (VNIU) Supervisor. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

#### **608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

##### **608.5.1 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 Vice Narcotics and Intelligence Unit Supervisor will discuss the above factors with the Field Operations Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

##### **608.5.2 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.

##### **608.5.3 PAYMENT PROCESS**

If payment to a confidential informant is \$200.00 dollars or less the assigned detective may disburse the funds. The detective will have the informant sign a payment receipt, the receipt signing should be witnessed by second officer. The receipt will be forwarded to the VNIU supervisor.

If the payment exceeds \$200.00 the assigned detective should get approval for the payment from the VNIU supervisor.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Informants*

---

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.

#### 608.5.4 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 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.

## Call-Out Policy

### 609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform procedure for call-out investigators to conduct immediate investigation of criminal cases.

### 609.2 WATCH COMMANDER RESPONSIBILITY

- (a) The authority and responsibility for the call out of investigations personnel rests with the watch commander.
- (b) The watch commander shall notify the on-duty investigations sergeant of the circumstances surrounding the call out.
- (c) The investigations sergeant will notify the investigations commander of call-outs as necessary.
- (d) In the absence of the investigations sergeant, the investigations commander will designate an acting supervisor.
- (e) In the event that designated personnel are not available, the watch commander may make the determination of call out.

### 609.3 MANDATORY INVESTIGATIONS NOTIFICATIONS

- (a) Notifications are mandatory in the following cases:
  - 1. All homicides and death cases of suspicious nature.
  - 2. All rapes and child molestation cases that are not late reports.
  - 3. All robbery cases wherein serious injuries are incurred and/or there are investigative leads requiring immediate follow-ups.
  - 4. All officer-involved shootings.
  - 5. All kidnappings requiring immediate follow-ups.
- (b) In all other cases the watch commander and investigations supervisor are responsible for determining if a notification is necessary. The following are examples of when a notification may be appropriate.
  - 1. Major cases wherein timely and immediate investigation is required by circumstances.
  - 2. Cases that are of significant community impact.
  - 3. Cases that are of significant political impact.
  - 4. Cases that require immediate investigation that cannot successfully be followed up by the patrol division.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Call-Out Policy*

---

5. Cases that require the expertise of crime scene investigations not available to patrol officers.
  6. Cases that require expertise in interview and interrogation.
- (c) The aforementioned policy guidelines were developed to assist the watch commander in making discretionary decisions in the continuing investigation of criminal cases. In all cases, the watch commander has the ultimate responsibility and authority for all notifications and must make decisions based upon information available at the time.

# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### 610.1.1 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.

## 610.2 POLICY

The Carlsbad 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.

## 610.3 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.

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Professional Standards and Services Bureau Lieutenant shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Eyewitness Identification*

---

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **610.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

#### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Eyewitness Identification*

---

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be retained as evidence in the case. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

#### **610.6.1 DOCUMENTATION RELATED TO RECORDINGS**

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

#### **610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION**

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

#### **610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting a lineup, containing multiple pages, 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.

#### **610.7.1 OTHER SAFEGUARDS**

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

#### **610.8 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. A field elimination show-up or one-on-one identification should

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Eyewitness Identification*

---

not be used when independent probable cause exists to arrest a suspect for the offense being investigated. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

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.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

---

## Telephone Subscriber Investigations

### 611.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform procedure for obtaining non-published telephone subscriber information for authorized criminal investigations or emergency purposes.

### 611.2 AUTHORITY AND RESPONSIBILITY

The authority and responsibility for authorizing inquiry of non-published telephone subscriber information rests with the Chief of Police and/or his/her designated agents. All persons with said authority as listed herein shall be governed by all regulations and laws pertaining to the Right to Privacy, and in particular, to California Public Utilities Commission Decision No. 93361 (7/22/81) that establishes those procedures. Inquiries of non-published telephone information will be conducted under the following conditions only:

- (a) Emergency - Life or death situations.
  - 1. Call the Security Office at 800-275-0014 or 916- 977-7787 and state that your request is of an emergency nature, and they will handle immediately.
- (b) Published/Non-Published Number - Monday-Friday, 8 a.m. to 5 p.m. - 900-659-7000 will inform you if number is a non-published number. SBC indicates that calls are taken in the order that they are received. A fifteen to twenty minute wait is not uncommon.
- (c) All other information to be used in a criminal investigation must be obtained by a search warrant.
- (d) The telephone company will only release the name, address, and telephone number of the subscriber. All verbal requests for non-published numbers are to be followed by a written confirmation letter within five (5) working days. Confirmation letters must be signed by the Chief of Police or his designated alternate.
- (e) If a subscriber contacts the telephone company and asks if his non-published information has been released to an authorized agency, they will not inform him/her without first contacting the agency and affording the agency an opportunity to certify the request for nondisclosure.
- (f) Certification will defer notification to the subscriber for one year from the release of the information. Certification letters must be forwarded to the telephone company within ten (10) working days of the verbal certification request. Letters of request, confirmation, and certification will be available from the watch commander or the investigations division commander.
- (g) The investigations division commander is responsible for coordinating telephone subscriber investigations.

---

## Vice/Narcotic Intelligence Information

### 612.1 PURPOSE AND SCOPE

[REDACTED]

### 612.2 PROCEDURE

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- (e) Press inquiries should be directed to the investigations commander or the on-duty watch commander.
- [REDACTED]
- [REDACTED]
- [REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vice/Narcotic Intelligence Information*

---

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



## Brady Material Disclosure

### 613.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 613.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Carlsbad Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 613.2 POLICY

The Carlsbad 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 Carlsbad 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.

### 613.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Brady Material Disclosure*

---

### **613.4 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.

### **613.5 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.

### **613.6 TRAINING**

Department members should receive periodic training on the requirements of this policy.

## Stolen Property - Collection and Disposal

### 614.1 PURPOSE AND SCOPE

It is the desire of the Carlsbad Police Department to return to the rightful owner any and all personal property that has been reported as lost, stolen, or embezzled. Secondhand dealers, pawnbrokers, and private citizens have at times purchased a stolen item. California Penal Code, Part 2, Title 10, Chapter 12 has set guidelines as to the disposal of property that has been stolen or embezzled.

### 614.2 SEIZURE OF PROPERTY

- (a) Seizure of property from secondhand dealers and pawnbrokers. (For property in the possession of junk dealers and recyclers, use the hold procedures described in Business & Professions Code Section 21609.) There are three different situations in which property can be seized from a pawnbroker:
  1. When the property has been placed on hold: If the property has been placed on 90-day hold, the officer may take the property from the pawnbroker under the provisions of Business & Professions Section 21647(b) if the property is required by (an) officer in a criminal investigation.
  2. With a warrant: In certain circumstances, property should be seized with a search warrant rather than placed on hold. These are situations in which the items are of high intrinsic value, the pawnbroker or secondhand dealer is a suspect in the illegal transaction, the pawnbroker or secondhand dealer refuses to release the property from hold, or the property is evidence of the commission of a serious and/or violent crime.
  3. Without a warrant: Property may be seized without a warrant from a pawnbroker or secondhand dealer if he/she consents, or the property is in plain view. However, this is not the preferred procedure and the "hold" or the search warrant procedures should be used whenever possible. Do not collect property without a warrant simply to return it to the alleged victim. If the pawnbroker or secondhand dealer refuses to return the item to the victim, the victim may sue in small claims court.
  4. NOTE: In all three situations the officer must give the pawnbroker a receipt for the property seized with a description of the property, the reason for seizure, the name of the pawnbroker and the officer taking the property. A warrant can serve as this receipt.

#### 614.2.1 HOLD PROCEDURE

- (a) Place a 90-day hold on all possible stolen items located at a secondhand dealer or pawnbroker. A phone call must be followed by a letter to legally hold the item. The written hold notice to the pawnbroker or secondhand dealer must describe the item to

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Stolen Property - Collection and Disposal*

---

be held and inform the pawnbroker or secondhand dealer that pursuant to Business and Professions Code Section 21647 he/she cannot legally release or dispose of the property for a period of 90 days, except pursuant to a court order or upon receipt of a written authorization from a Carlsbad police officer. (See attached form letter.) After the hold is placed you have the following options:

1. Leave the item with the pawnbroker in which case he/she shall produce the property at reasonable times and places as required by the officer placing the hold. If the property has been placed on 90-day hold, the officer may take the property from the pawnbroker under the provisions of Business & Professions Code Section 21647(b) if the property "is required by (an) officer in a criminal investigation."
2. Seize the property with a warrant as described in Section 1 (b) above and other departmental directives.
3. Release the property from hold and authorize release to the person who reported the property stolen. Sixty days before the property is released, the person who reported the property stolen must be notified of the name and address of the pawnbroker or secondhand dealer, and advised that the law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of the property, unless the person chooses not to file a criminal complaint against an identified, alleged thief. In that case, the person shall pay the pawnbroker or secondhand dealer the out-of-pocket expenses paid in the acquisition of the alleged stolen property in return for the surrender of the property. The notice should state that the Carlsbad Police Department authorizes the release of the property to them and that the property was placed on hold pursuant to Business and Professions Code Section 21647 and is no longer required for the purpose of criminal investigation. The notice should state that the police department must release the hold 60 days after the delivery of the notice. (A standard form letter containing this language is attached to this directive.)
  - (a) The hold must be released 60 days after delivery of the notice letter.
  - (b) Once the item is removed from hold, it must be removed from the AFS/APS.
4. Extend the hold before the 90 days expires if the property is still needed in a criminal investigation. The officer must give written notice to the pawnbroker or secondhand dealer, stating the length of the extension, which can be up to an additional 90 days.
  - (b) Procedure If Property Is Not Placed On Hold Refer to departmental directives and policies on seizure of property with and without a warrant and sections 1(b) and 1(c) above.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Stolen Property - Collection and Disposal*

---

- (c) Seizure Of Allegedly Stolen Property From Private Citizens Use the normal search and seizure procedures.

#### **614.3 DISPOSAL OF PROPERTY**

- (a) Property in the possession of the court: Property that is seized by the Carlsbad Police Department and placed into evidence in a trial or other court proceeding is in the custody of the court. The court, rather than the police department, has jurisdiction over this property using the procedures described in California Penal Code Sections 1417-1417.7 and 1409-1410.
- (b) Property taken by search warrant - Property seized with a search warrant can only be released by a court order. (California Penal Code Section 1536.)
- (c) Property seized without a warrant includes:
  - 1. Property placed on hold and then taken by a police officer as required in a criminal investigation pursuant to B & P, section 21647.
  - 2. Property seized under a warrant-less, seizure exception, such as "plain view" or consent.
- (d) If the owner of alleged stolen property can be "reasonably ascertained," the police department must give notice to the owner or any person having a security interest in the property, using the procedures described in California Penal Code Section 1411. This includes pawnbrokers and secondhand dealers (Financial Code Section 21206.8).
- (e) The police department must send a letter to the owner and any person having a security interest, stating the location of the property and the method by which the owner may obtain it.
  - 1. The method is described in California Penal Code Section 1413.
  - 2. The notice should state that if the property is not claimed by the owner within three months after the notice is given, the property may be sold and the proceeds paid into the county treasury.
  - 3. If the owner does not claim the property within three months, and the property was taken from the custody of a pawnbroker or secondhand dealer, and reasonable but unsuccessful efforts have been made to notify the owner of the property, the property must be returned to the pawnbroker or secondhand dealer.
- (f) If an alleged owner requests return of the property, the procedures in California Penal Code Section 1413 must be followed.
  - 1. The clerk or person in charge of the property section may release the property to the alleged owner if the alleged owner:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Stolen Property - Collection and Disposal*

---

- (a) Presents satisfactory proof of ownership
  - (b) Presents property personal identification, and
  - (c) Signs, under penalty of perjury, a declaration of ownership (see attached standard form.)
2. The clerk or person in charge of the property room must make and retain a complete photographic record of the property that is to be released.
3. The photograph should be placed in the case jacket in the records division.
4. If the property was taken from the custody of another person, other than a defendant who is charged with theft of the property, notice must be served upon the person from whom custody of the property was taken. This includes, but is not limited to pawnbrokers and secondhand dealers. The notice must include a copy of the declaration of ownership and a copy of any satisfactory proof of ownership documents presented by the alleged owner.
5. The person from whom custody of the property was taken must be given a reasonable opportunity to be heard as though the property should not be delivered to the person claiming ownership. This must be stated in the notice and the method of obtaining the reasonable opportunity to be heard must be described in the notice. If the person upon whom the notice is served does not assert a claim to the property within 15 days from receipt of the notice, the property may be released to the alleged owner if the requirements in subsection "a" above are met. This should also be stated in the notice. (See attached standard form.) However, do not release the property until 20 days after mailing the notice to allow 5 days for mail service.
6. A "reasonable opportunity to be heard" does not mean a hearing is required. The following procedure will be used to provide a reasonable opportunity to be heard: The notice described above will state that the person has a right to present evidence or written arguments as to why the property should not be delivered to the person claiming ownership by presenting such evidence or written arguments to the property clerk or person in charge of the property section at the Carlsbad Police Department, 2560 Orion Way, Carlsbad, California, within 15 days from receipt of the notice. The name of the property clerk or person in charge of the property section must be stated in the notice.
7. A decision whether or not to release the property to the person claiming ownership should be rendered within 10 days after receipt of the evidence or written arguments. If a preponderance of the evidence indicates the alleged owner is the true owner, a decision must be rendered in favor of the alleged owner. If the preponderance of the evidence indicates the alleged owner is not the true owner, the property will not be released to either party.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Stolen Property - Collection and Disposal*

---

8. A letter will be sent to the alleged owner and the person objecting to the release of the property, stating the decision that has been reached. A copy of the letter should be placed in the case jacket in the records division.
  - (g) If a decision is made to release the property to the alleged owner, the letter to the person from whom custody of the property was taken should state the following:
  - (h) "The Carlsbad Police Department is not liable in damages as a result of rendering this decision pursuant to California Penal Code section 1413(d). However, you may challenge this determination by making an application to the court using the procedures described in Title 10, Chapter 12 of the California Penal Code or any other method allowed by law. In order to give you an opportunity to challenge this decision in court, the Carlsbad Police Department will retain possession of the property for 30 days after the date of this letter." (See attached standard letters of decision.)  
Related Laws: 1407 to 1417 P.C. 21609 B&P 21647 B&P 21206.8 Financial Code.

## 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. 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.

- (a) 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.
- (b) 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.
- (c) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (d) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.
- (e) All department issued equipment is subject to inspection, at any time, by a supervisor.

#### 700.2.1 SEPARATION FROM SERVICE

All department issued equipment will be returned to the Professional Standards Bureau upon separation from employment.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on a department memorandum. The memorandum will be submitted to the employee's immediate supervisor.

All claims for reimbursement for damaged or loss of personal property are based on the following:

- (a) The employee was on duty at the time of damage or loss property and conducting work related duties.
- (b) The damaged or loss personal property is considered as reasonably required as a part of work.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Department Owned and Personal Property*

---

- (c) The replacement of the damaged or loss property will be for the same or similar make and model.
- (d) The value of the reimbursement will not exceed more that \$200.00 for any one piece of personal property.

The supervisor shall direct the employee's memo to the appropriate Division Commander. Upon review by the appropriate Division Commander and a finding that no misconduct or negligence was involved, repair or replacement may be recommended. The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

---

## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 702.2 POLICY

The Carlsbad Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

#### 702.2.1 USE IN THE COMMUNICATIONS CENTER

The use of a PCD and other wireless communication equipment may interfere with the RCS 800 MHz radio system and wireless headsets causing intermittent disruptions at the dispatch consoles.

Communications personnel shall keep their PCD's turned off and away from the consoles. This shall include personal laptop computers and other devices utilizing wireless access to the internet or other networks. All other personnel shall refrain from using PCD's in the console area. These devices may be used outside the communications center or in the break-room. This policy does not apply to:

- (a) Wireless equipment designed and issued for use with the dispatch consoles and radio system.
- (b) I.T. personnel who are required to use PCD's to communicate with CAD.
- (c) Radio or other technicians repairing or maintaining dispatch equipment.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Communication Devices*

---

In the event of an emergency that results in the loss of hard line phones or radio system, PCD's may be authorized for use to maintain communications services.

#### **702.3 PRIVACY POLICY**

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

##### **702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)**

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

#### **702.4 DEPARTMENT-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCD's are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee, the use of the PCD should be limited to on duty work related use only.

#### **702.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Communication Devices*

---

- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

#### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Communication Devices*

---

- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Employees will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

#### **702.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

#### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Personal Communication Devices*

---

### **702.9 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The vehicle and paperwork shall be taken to vehicle maintenance for repair.

#### 704.2.1 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

#### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 
- 
- 1 Roll Crime Scene Barricade Tape
- 1 First aid Bag, AED, Trauma Kit
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Maintenance*

---

#### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 
- 1 Roll Crime Scene Barricade Tape
- 1 First aid Bag, AED, Trauma Kit
- 
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 
- 
- 1 Traffic Safety Vest
- 
- 
- 

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has not been refueled. Vehicles shall only be refueled at the authorized location.

#### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Carlsbad to provide assigned take-home vehicles.

### 706.2 POLICY

The Carlsbad 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.

### 706.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

#### 706.3.1 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.

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 the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

#### 706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify Dispatch 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Use*

---

#### 706.3.3 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.

#### 706.3.4 INVESTIGATION DIVISION VEHICLES

Investigation Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigation Division supervisor. After-hours use of Investigation Division vehicles by members not assigned to the Investigation Division shall be recorded with Dispatch.

#### 706.3.5 AUTHORIZED PASSENGERS

Members operating City-owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

#### 706.3.6 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a City-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### 706.3.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member 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 officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

#### 706.3.8 PRIVACY

All City-owned 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.

### **706.4 ASSIGNED VEHICLE AGREEMENT**

Members who have been assigned a take-home vehicle (THV) may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander or meet the classification as stated in Article 29 of the Carlsbad Police Officer's Association MOU and shall sign an agreement that includes the following criteria:

- (a) The member must live within a straight-line distance not to exceed 30-miles from the nearest Carlsbad border line. A longer response distance may be permitted subject to

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Vehicle Use

---

Division Commander approval. Members who reside outside the permissible response distance may be required to secure or garage the vehicle at a designated location at the discretion of the Division Commander.

- (b) Time spent during normal commuting is not compensable, however, circumstances requiring an immediate police response will be reviewed in accordance with the member's MOU.
- (c) City-owned vehicles generally should not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances.
- (d) The member may be responsible for the care and maintenance of the vehicle and ensure both scheduled and unscheduled maintenance is completed in a timely manner as determined by Fleet. The member can use car washes, designated by the department at no cost to the member. Maintenance will be completed by Fleet at no cost to the member.
- (e) The vehicle shall be parked in a safe area at or in proximity to the members 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 or pursuant to penal code 25140 and department policy 312.5.1-storage in vehicles.
- (h) Whenever the employee will be away from the workplace (i.e. vacation, sick, FMLA, military leave administrative leave, etc.) for a period exceeding two calendar weeks, the member shall park their assigned marked or unmarked vehicle at the police station and notify their supervisor
- (i) All department identification, portable radios, O.C spray, handcuffs, duty belt and taser should be secured within the vehicle in a locked compartment or trunk when the vehicle is unattended.
- (j) Members shall not operate marked police vehicles in any enforcement capacity when they have been placed on a less than full duty work status, unless authorized by a supervisor. Whenever a member is placed on a less than full duty work status for a period exceeding two calendar weeks, the member is required to park their assigned marked police vehicle at the police station until they return to work on a full duty status unless authorized by their supervisor to retain their vehicle. The member shall notify their supervisor when their vehicle is brought back to the station.
- (k) .Employees operating a THV to and from their regular work assignment will wear a uniform or attire appropriate for their work assignment.
- (l) Employees operating a THV to and from training assignment will wear a uniform or attire appropriate for the training assignment.
- (m) Employees not dressed in a police uniform driving a marked THV shall wear appropriate attire. For example, court attire, or training attire. All officers will have an approved sidearm, ammunition, handcuffs and a vest or jacket to identify themselves.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Use*

---

- (n) Biannual inspections of the vehicle shall be completed by an immediate supervisor at shift change. Inspections shall ensure vehicle maintenance is up to date as determined by Fleet, and the vehicle is free of excessive debris and/or damage.
- (o) Employees are responsible to ensure any and all damage is reported to a supervisor and logged into V-DOC. In the event the vehicle is involved in a collision and damage is sustained to either the members assigned car, or another parties' vehicle, a police report shall be filed, and a supervisor shall be notified as soon as practical.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time.

#### **706.5 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the Carlsbad 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.

#### **706.6 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.

##### **706.6.1 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 Division Commander.

#### **706.7 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Vehicle Use*

---

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.

#### **706.8 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles 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) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

---

# Personal Protective Equipment

## 707.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 707.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 707.2 POLICY

The Carlsbad Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 707.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 707.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

## 707.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Protective Equipment*

---

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

#### **707.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

#### **707.7 RESPIRATORY PROTECTION**

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **707.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Protective Equipment*

---

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 707.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 707.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Personal Protective Equipment*

---

### 707.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

### 707.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

### 707.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

## 707.8 RECORDS

The Training Coordinator is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Protective Equipment*

---

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

#### **707.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

# Military Equipment

## 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, use, training and reporting requirements of military equipment in accordance with California Assembly Bill 481 (codified at Government Code § 7070, et seq.). Additionally, this policy outlines the fiscal impact and specific descriptions of existing military equipment within the Department's inventory.

### 708.1.1 DEFINITIONS

The definitions provided in Government Code section 7070 apply to this policy, including the following:

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Means the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles. This definition applies to small Unmanned Aircraft Systems (sUAS) and SWAT robots.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this definition.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this definition.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters or a handheld, one-person ram, are specifically excluded from this definition.
- Firearms and ammunition of .50 caliber or greater, However, standard-issue shotguns and standard-issue shotgun ammunition are specifically excluded from this definition..
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Penal Code sections 30510 and 30515, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to sworn members.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Military Equipment*

---

- "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls" including munitions containing tear gas or OC. However, standard, service-issued handheld pepper spray is specifically excluded from this definition.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- The following projectile launch platforms and their associated munitions: 40 mm projectile launchers, "bean bag," rubber bullet, and specialty impact munitions (SIM) weapons.
- Any other equipment as determined by the governing body or a state agency to require additional oversight.
- "Military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

#### **708.2 POLICY**

It is the policy of the Carlsbad Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **708.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any other law enforcement agency that may use military equipment within the jurisdiction of Carlsbad Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Military Equipment*

---

#### **708.4 MILITARY EQUIPMENT INVENTORY**

Appendix A contains the descriptions, purposes and authorized uses, fiscal impact, training requirements, and legal and procedural rules governing each authorized use for all military equipment of the Department.

#### **708.5 MILITARY EQUIPMENT USE POLICY APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment use policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment use policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment use policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

#### **708.6 ANNUAL MILITARY EQUIPMENT REPORT AND COMMUNITY ENGAGEMENT**

The Chief of Police or the authorized designee shall submit a military equipment report to the governing body for each type of military equipment approved within one year of approval of this policy, and annually thereafter, for as long as the military equipment is available for use (Government Code § 7072). The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response, consistent with all applicable state employee privacy laws.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Military Equipment*

---

- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment

The Chief of Police or the authorized designee shall make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use.

Within 30 days of submitting and publicly releasing the annual military equipment report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask question regarding the annual military equipment report and the Department's funding, acquisition, or use of military equipment.

The governing body will determine, based on the annual military equipment report, whether each type of military equipment identified in the report has complied with the standards for approval, as set forth in Government Code § 7071, subdivision (d). If the governing body determines that a type of military equipment identified in the annual military equipment report has not complied with the standards as set forth in Government Code § 7071, subdivision (d), it may either disapprove a renewal of the authorization for that type of military equipment or require modifications to this military equipment use policy in a manner that will resolve lack of compliance.

#### **708.7 COORDINATION WITH OTHER JURISDICTIONS**

Department members are required to adhere to this Military Equipment Use policy and all applicable Carlsbad Police Department policies and procedures, regardless of operational jurisdiction. Members of other law enforcement agencies that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

#### **708.8 PUBLIC COMPLAINT PROCEDURE**

Complaints related to the application or use of military equipment shall be handled in accordance with Department Policy 1020 - Personnel Complaints.

## Chapter 8 - Support Services



## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## The Communications Center

### 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

### 802.2 POLICY

It is the policy of the Carlsbad Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

#### 802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident
- Documentation for incident

### 802.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *The Communications Center*

---

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

#### 802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign (Carlsbad Unit 21P). This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

#### 802.4 COMMUNICATIONS PERSONNEL STANDARDS

There shall be a minimum of three communicators on duty at all times. Communicator positions will be police radio communicator, inquiry and backup police communicator, and call taker.

- (a) The Police Radio Communicator is responsible for:
  - 1. Dispatching all police units and shall have the authority (within the communication center) to determine unit assignment of calls and priority of calls.
  - 2. The police radio communicator will keep CAD entries current and correct and be responsible for unit status.
  - 3. Keeping the watch commander advised of high priority incidents.
- (b) The Inquiry and Backup Communicator is responsible for:
  - 1. Teletype inquiry and entry generated by the field units. This would include, but is not limited to: accessing the stolen vehicle, missing person, property, criminal history and other Law Enforcement Databases such as NCIC/CLETS/ARJIS databases.
  - 2. Provide pickup and callback requests to support the police radio communicator.
  - 3. Provide radio backup to the police radio communicator by taking control of field units as necessary during critical incidents.
  - 4. Monitoring fire and mutual aid channels and will answer phone calls when necessary to assist the call taking communicator.
- (c) The Call Taking Communicator(s) is responsible for:
  - 1. Answering and processing of all incoming 911 and administrative phone lines. If there are four communicators present in the communications center, there will be two communicators assigned into the position of call taker with overlapping and shared responsibility for both 911 and administrative phone lines. These positions will manage and process the call volume of the communications center. All communicators regardless of position should remember they are striving to provide the highest level of service and assistance to the field units and the citizens of Carlsbad. At any time, there could be an overlapping of duties to ensure a cooperative teamwork environment within the communications center.

## *The Communications Center*

---

### **802.5 RESPONSIBILITIES**

#### **802.5.1 COMMUNICATIONS SUPERVISOR**

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Field Operations Division Commander or the authorized designee.

The responsibilities of the Communications Supervisor 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 time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

#### **802.5.2 ADDITIONAL PROCEDURES**

The Communications Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (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).

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *The Communications Center*

---

- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

### 802.5.3 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.
  - 2. Business telephone lines.
  - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  - 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
  - 1. Vehicle pursuits.
  - 2. Foot pursuits.
  - 3. Assignment of emergency response.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *The Communications Center*

---

### **802.6 CALL HANDLING**

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

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 Communications 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.

#### **802.6.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **802.6.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *The Communications Center*

---

#### **802.7 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

##### **802.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Carlsbad Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

##### **802.7.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **802.8 DOCUMENTATION**

It shall be the responsibility of 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 conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *The Communications Center*

---

- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **802.9 CONFIDENTIALITY**

Information that becomes available through the 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.

#### **802.10 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 identifies those persons authorized to remove and/or destroy property.

### 804.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

#### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

#### 804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Division and detectives. The remaining copy will be detached and submitted with the case report.

#### 804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Technician, or placed in the bicycle storage area until a Property and Evidence Technician can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### **804.3.5 RELINQUISHED FIREARMS**

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Technician shall ensure the Records Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Division Policy).

#### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

##### **804.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

#### **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 an evidence locker. If packaging and quantity allows, the net weight of the drug should be determined and a presumptive test should be made on all suspected narcotics. Otherwise, the gross weight (packaging and drug) should be determined and documented in the evidence report. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in accordance with the CPD Property and Evidence manual.

#### **804.5 RECORDING OF PROPERTY**

The Property and Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Carlsbad Police Department shall be noted in the property logbook.

#### **804.6 PROPERTY CONTROL**

Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court day.

##### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Request for analysis of items shall be completed on the appropriate forms and submitted to the Property and Evidence Technician. This request may be filled out any time after booking of the property or evidence.

##### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time in the CPD property tracking system.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the evidence custodian and filed in the property/evidence file.

##### **804.6.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

The Property and 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 on the property control card, indicating date, time, and the person who returned the property.

#### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### 804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Division for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### **804.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

#### **804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Investigative Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

#### **804.6.8 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 Carlsbad 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.

#### **804.6.9 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION**

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

#### 804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

#### 804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

#### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

## *Property and Evidence*

---

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

#### **Purpose and Scope**

This section is designed to establish procedures and controls to document and track evidence, narcotics, cash and weapons inventories in the Carlsbad Police Department's Property and Evidence (P&E) facility, including the acceptance, documentation, storage and disposal of such evidence.

#### **Mandated Audits**

The Department has established several audit procedures to ensure the proper receipt, maintenance and disposition of all items of property and evidence. These audits include:

1. Annual 100% inventory. The P&E Custodian will complete a thorough inventory of items in property and evidence on an annual basis and report the results, in writing, to the P&E Supervisor. Any discrepancies noted shall be brought to the attention of the P&E supervisor for further investigation and resolution.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

2. Quarterly Supervisory Audits. The P&E Supervisor that has responsibility for the Property & Evidence Division shall conduct a P&E audit at least once per quarter. Special attention shall be given to cases involving money, drugs and firearms with a minimum of five items audited per category.

3. Annual Outside Review & Audit. The Investigations Supervisor shall engage the services of an outside auditor at least once per year or as necessary as determined by the Investigations Captain to conduct an impartial review of P&E processes and procedures and to conduct an independent audit of items which are in storage or have been recently disposed of. The Investigations Supervisor and the independent auditor shall set the scope of the audit. This independent auditor will be identified by the P&E Supervisor or the Investigations Captain and may include representatives from outside law enforcement organizations or employees of the City of Carlsbad Finance department.

4. Special Audits. The P&E Supervisor, the Support Operations Captain, the Assistant Chief of Police or the Chief of Police may request an audit at any time. Special audits will generally be directed toward a specific issue or item or property.

5. Mandated Audits - In addition to the audits conducted by the P&E custodians and the P&E Supervisor, an audit will be conducted at the rotation of the P&E Supervisor and/or the P&E custodian(s) which will be same as a quarterly audit.

6. Cash Audits. The P&E Supervisor will perform an internal cash audit not less than twice a year. The scope of the audit will include:

- i. Verification of funds received and maintained in P&E.
- ii. Verification of funds that have been deposited with the Finance Department
- iii. Verification of funds dispersed.
- iv. Verification of funds converted to City use.

#### **The Audit Process**

All audits of the property and evidence room shall be conducted in a manner consistent with good business practices and current industry standards. The general audit process will be conducted in the following manner:

1. A selected number of cases (type and number to be determined by the auditor) shall be reviewed in records. Particular attention will be given to cases involving money, drugs and/or firearms.
2. After selection of cases for review, the auditor will follow the audit trail from the time the item was obtained until final disposition, if applicable. Care should be taken to include cases with open evidence files.
3. In cases involving money that has been turned over to the City; all deposits should be verified with the Finance Department.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Property and Evidence*

---

4. A review of all drug disposal documents shall be made to ensure all drugs were included on the disposition document signed by a judge.
5. A review of the P&E inventory system will be conducted to ensure that proper annotations reflecting dispositions are being made.

#### **Audit Reports and Documentation**

The results of the internal audits will be documented and recorded by the P&E Supervisors and will be forwarded to the Investigations Captain then to the Professional Standards and Services Lieutenant. The results of internal P&E audits, the quarterly supervisor audits and the 100% Annual Inventory shall be made to the Investigations Captain and the professional Standards and Services Lieutenant. The results of the Quarterly Supervisory audits, the Cash Audits and the Annual Outside Review shall be reported to the Investigations Captain.. The results of Special Audits shall be made to the command level officer requesting the audit. Both audits notices and results shall be provided to the Investigations Captain.

#### **Property and Evidence Inventory Control**

This policy is designed to provide for the uniform audit of the Property and Evidence inventory. Procedures for the acceptance of all types of evidence, as well as for the documentation of evidence is provided in the Carlsbad Police Department 'Property and Evidence Manual. This manual also provides for the destruction of narcotics and firearms and for the proper procedures for the processing and dispersal of cash.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Property and Evidence*

---

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Property and Evidence*

---

*Property and Evidence*

---

- 
- 
- 
-

---

## Records Division

### **805.1 PURPOSE AND SCOPE**

This policy establishes the guidelines for the operational functions of the Carlsbad Police Department Records Division. The policy addresses department file access and internal requests for case reports.

### **805.2 POLICY**

It is the policy of the Carlsbad Police Department to maintain department records securely, professionally, and efficiently.

### **805.3 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by officers of the Carlsbad Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administration Supervisor. The Administration 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 Administration Supervisor should forward the petition to the Investigative Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigative Bureau Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration 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 Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

### **805.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Division*

---

#### **805.5 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 member shall first obtain authorization from the Records Manager. 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.

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.

#### **805.6 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.

## Restoration of Firearm Serial Numbers

### 807.1 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.

### 807.2 PROCEDURE

Any firearm coming into the possession of the Carlsbad Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 807.2.1 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.

#### 807.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

The employee shall prepare a SDSO lab request to get the serial number restored.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Restoration of Firearm Serial Numbers*

---

#### **807.2.3 OFFICER RESPONSIBILITY**

The Community Service Officer receiving a firearm when the serial numbers have been removed or obliterated shall transport the firearm to the crime lab for restoration and maintain the chain of evidence.

#### **807.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **807.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property and Evidence 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.

#### **807.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

---

## Records Maintenance and Release

### 809.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 809.2 POLICY

The Carlsbad 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.).

#### 809.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. 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 Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administration Division Commander for a determination as to whether the records will be released.

### 809.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the department division responsible for the original record.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

#### 809.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).
- (b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
  1. Analysis and conclusions of investigating officers may also be exempt from disclosure.
  2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

- (c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, 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).

#### 809.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code § 1054.5.

The Police Chief or his/her desinee shall have the discretion to share criminal arrest reports with other governmental agencies who employ a peace officer who was arrested or detained by the Carlsbad Police Department, provided the governmental agency agrees to treat the disclosed reports as confidential and to utilize the information obtained in the shared reports for only purposes that are consistent with existing law.

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.

#### 809.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

#### 809.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c)); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.) or per SB1421 law.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

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.

#### **809.3.5 CONCEALED WEAPONS PERMITS**

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

#### **809.3.6 DOMESTIC VIOLENCE REPORTS**

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

#### **809.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

##### **809.4.1 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

#### **809.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 6254.29).
- (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
  - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
  - 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).
  - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
  - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- (o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

#### **809.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **809.7 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

#### 809.7.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

#### 809.7.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

#### 809.7.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Records Maintenance and Release*

---

privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

#### 809.7.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

---

# Retention/Custody of Officer Notes, Documents and Other Evidence

## 810.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the retention and custody of evidence, notes, documents, etc., not addressed elsewhere in a Department Policy. To the extent a specific item is covered elsewhere, that Policy governs that item.

## 810.2 PERSONAL CUSTODY

The following are the only authorized justifications for personal custody of documents/evidence:

- (a) Documents mass distributed to members of the Department (i.e., Training Bulletins, Safety Alerts, Department Policies, Special Orders)
- (b) Department files or photographs of "wanted" suspects.
- (c) Photographs, reports and recordings of current, ongoing, active investigations.
- (d) Temporary custody of files or copies for testifying in judicial and administrative proceedings.
  - 1. Department personnel may obtain pertinent records or copies when subpoenaed or otherwise officially notified of an appearance; and
  - 2. Department personnel shall return originals and destroy copies by shredding or placing them in a shred receptacle within three working days of completing testimony or completion of the judicial proceedings.
- (e) Temporary custody of files, records, reports, field interviews, or copies in the performance of official duty.
  - 1. Department personnel may maintain custody of files, records, reports, field interviews or copies for the following reasons:
    - (a) To investigate a case or related cases; and/or
    - (b) To prepare and develop related case files;
  - 2. Department personnel shall return originals and destroy copies by shredding or placing them in a shred receptacle within three working days of completion of official duties.
- (f) Pre-approval by the commanding officer.

### 810.2.1 OFFICERS NOTES

- (a) Officers shall use an issued Department notepad or other suitable notepad when taking notes.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Retention/Custody of Officer Notes, Documents and Other Evidence*

---

- (b) All relevant information (this includes exculpatory facts or statements) written in the notepad shall be immediately transferred to an official police record.
- (c) Notepads may be used until all pages are filled. Notepads that are completed or will no longer be used shall be destroyed by the officer.
- (d) Officers may retain a current Department notepad at other than a Department location until the notepad is completed.

---

## Protected Information

### 811.1 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 Carlsbad Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

### 811.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California 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.

### 811.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

### 811.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Carlsbad Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check,

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Protected Information*

---

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.

#### **811.4.1 CRIMINAL RECORD SECURITY OFFICER**

The Records Manager is the designated Criminal Record Security Officer for the Carlsbad 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.

#### **811.4.2 RELEASE OF CORI**

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) Records Manager
- (c) Full-time employees of the Records Division
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

#### **811.4.3 RELEASE OF CORI TO FIELD PERSONNEL**

Personnel shall not have access to CORI until a background investigation has been completed and approved.

#### **811.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Protected Information*

---

#### **811.5.1 TRANSMISSION GUIDELINES**

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **811.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### **811.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

##### **811.7.1 COMPUTER TERMINAL SECURITY**

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Protected Information*

---

#### **811.7.2 DESTRUCTION OF CORI**

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

#### **811.7.3 CUSTODIAN OF CRIMINAL RECORDS**

The Records Manager, unless otherwise directed by the Administration Division 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 Administration Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administration 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.

#### **811.8 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.

#### **811.9 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).



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Protected Information*

---

### **811.10 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).

### **811.11 AUDITS**

The Records Manager will review the list of CLETS users Bi-Annually to ensure separated personnel no longer have access to criminal history information.

## Fee Schedule for Department Service

### 815.1 PURPOSE AND SCOPE

To provide a procedure to implement Carlsbad Municipal Code 3.36 et. seq. and Resolution Number 7134 establishing use fees for certain police services, the following fee schedule will be in effect for copies of reports and certain services.

- Crime Reports \$10.00
- Accident Reports \$10.00
- Fingerprinting \$20.00 (per card) or live-scan prints
- Photographs \$45.00 (plus reproduction costs)
- Clearance Letters \$10.00
- Police Audio Tape Copy - CAD \$45.00
- Police Audio Tape Copy - Other \$55.00
- Police Copy of Accident Investigation Video Tapes \$55.00
- Historical Searches In CAD \$45.00
- Vehicle Release \$60.00

Individuals requesting a report copy will mail or bring the request to the department with the appropriate fee. Fees will be in the form of cash, check, or money order. There will be a 24- hour turn around for copies of reports. The reports will either be mailed or the person may come to the station and pick it up. Victims of crimes will receive one copy of crime reports at no charge. Persons requesting the report must show identification before receiving the report copy.

Fingerprinting services will be provided at specified times during regular business hours. The fee may be paid by cash or check. Police records personnel will have primary responsibility for fingerprinting when available. If unavailable, investigations division personnel will provide the service or a field patrol officer with the watch commander's approval.

---

## Expressive Activity

### 818.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction with respect to implementing Carlsbad Municipal Code Chapter 8.18 and Carlsbad Administrative Order No. 87 regarding Expressive Activity.

### 818.2 DEFINITIONS

“Demonstration” means any formation, procession, or assembly of persons for the purposes of expressive activity.

“Event” means a parade or public assembly for the purposes of expressive activity.

“Event organizer” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at an expressive activity event.

“Expressive activity” includes conduct, the sole or principal object of which is the expression of opinion, views, or ideas. Expressive activity includes, but is not limited to, public oratory and distribution of literature.

“Expressive activity event permit” means a permit as required by CMC Section 8.18.030.

“Parade” means any march, procession or motorcade consisting of persons, vehicles or a combination thereof, upon any street, sidewalk, public park, or other public area within the city.

“Public assembly” means any meeting, picket line, rally or gathering of any kind that occupies any street, sidewalk, public park, or other public area within the city.

“Sidewalk” means any area or way set aside or open to the general public for purposes of pedestrian travel, whether or not it is paved.

“Spontaneous demonstration” means an expressive activity occasioned by news or affairs coming into public knowledge less than seven days prior to the activity.

“Street” means any place or way set aside or open to the general public for purposes of vehicular traffic, including but not limited to any berm or shoulder, parkway, public parking lot, right-of-way, alley or median.

### 818.3 PERMIT REQUIRED

A. An expressive activity event permit is required prior to conducting a demonstration or other event with the principal purpose of engaging in expressive activity, where the activity involves a gathering of 75 or more persons and any of the following:

1. The use of any public park or other public area; or
2. The use of any street or sidewalk in a manner that does not comply with normal or usual traffic regulations or controls.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Expressive Activity*

---

B. An expressive activity event permit is NOT required for a spontaneous demonstration if the event organizer provides at least four hours prior notice to the Watch Commander of the date(s), time(s), and location(s) where the event is to be conducted, their contact information, and an estimate of the number of persons that will be participating.

#### **818.4 PERMIT APPLICATION REQUIREMENTS**

A. A person requesting an expressive activity event permit shall file an application on forms provided by the city. The filing of an application may be performed by the applicant in either of these methods:

1. Via email to [PoliceExpressiveActivity@CarlsbadCA.gov](mailto:PoliceExpressiveActivity@CarlsbadCA.gov), or,
2. In-person during regular business hours at the City of Carlsbad Police Department.

B. The application for an expressive activity event permit shall set forth all of the following information:

1. The name, address, email address and telephone number of the event organizer. If the event organizer is a non-individual or corporate entity, the application must identify an individual that will act as the primary contact for the event.
2. The date(s), time(s), and location(s) where the expressive activity is to be conducted.
3. An estimate of the number of persons who will be participating in the event.
4. If the event requires full or partial street or sidewalk closures, the applicant shall describe whether the event intends to occupy all or only a portion of the streets and/or sidewalks proposed to be traveled.
5. Whether the event will involve the use of vehicles, animals, fireworks, pyrotechnics or a sound-amplifying system.

C. The application shall be filed no later than two days before commencement of the event unless the event qualifies for the spontaneous event exception described in Section 818.3 (B).

#### **818.4.1 WAIVER OF PERMIT APPLICATION REQUIREMENTS**

A. The Watch Commander may waive any of the permit application requirements where circumstances make it impractical or unnecessary to meet those requirements.

#### **818.5 WATCH COMMANDER DUTIES FOR PERMIT APPLICATIONS**

A. The on-duty Watch Commander at the time of the filing of a permit application is responsible for processing the permit application, and for all police related planning operations, until and unless relieved of responsibility by a Bureau Commander. The following are expectations of a Watch Commander who receives a permit application.

##### **818.5.1 APPLICATION REVIEW**

A. A Watch Commander shall perform the following duties upon review of a filed permit application.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Expressive Activity*

---

1. Promptly notify a permit applicant in writing that their application has been received.
2. Promptly review the application for completeness per the requirements described in Section 818.4.
3. If application is incomplete, promptly notify the applicant of the missing information and facilitate the completion of the application with the applicant.
4. Notify applicable Parks and Recreation Department liaison as appropriate to advise of the planned use of a park facility and to determine any potential conflicted uses of the facility.
5. Notify Bureau Commander of the permit application.
6. The review of a complete application shall take no longer than 72 hours under any circumstance.

#### 818.5.2 CONDITIONS ON APPROVAL OF PERMIT

A. The Watch Commander may impose conditions on the approval of a permit when determined to be reasonably necessary to protect the public peace, health, safety, or welfare. When doing so, the Watch Commander CANNOT consider the following:

1. Message of the event.
2. Content of the speech.
3. Identity or associational relationships of the applicant.
4. Assumptions or predictions as to amount of hostility aroused by the public due to the content of the speech or message conveyed by the event.

The Watch Commander shall consult with the city attorney's office prior to imposing conditions on a permit.

#### 818.5.3 PERMIT APPROVAL OR DENIAL

A. Notify the applicant not less than one calendar day prior to the event whether the permit is approved or denied.

B. A permit shall be issued, in writing, unless there is a conflict with public peace, health, safety, or welfare for one or more of the following reasons:

1. The event will unduly interfere with ingress to, or egress from, or travel on a freeway or state designated highway.
2. The event requires a temporary street closure that will unduly interfere with the orderly and safe movement of traffic or the provision of public services, and the applicant is unable or unwilling to modify the event's scope, location, date, time, or duration to minimize such impact.
3. Due solely to the number of event participants and their impact on normal traffic or pedestrian flow, the event will require a significant diversion of police officers adversely impacting the protection of other areas of the city, and the applicant is unable or unwilling to modify the event's scope, location, date, time, or duration to minimize such impact.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Expressive Activity*

---

4. The anticipated number of event participants would exceed the safe capacity of the public park or other public area where the event is proposed.

C. All permit denials shall be made in writing to the applicant. The Watch Commander shall consult with the city attorney's office prior to issuing any denial of a permit.

#### **818.6 WATCH COMMANDER DUTIES FOR SPONTANEOUS DEMONSTRATION NOTIFICATIONS**

A. Upon receiving notification from an event organizer for a spontaneous demonstration, the Watch Commander shall confirm whether the event qualifies for the exemption as described in Section 818.3 (B).

B. The Watch Commander shall consult with the city attorney's office prior to denying the use of the exemption for an event.

C. The Watch Commander shall immediately begin coordinating reasonably necessary preparations to provide for a safe demonstration.

D. Notify Bureau Commander of spontaneous demonstration notification.

#### **818.7 COMMUNICATIONS' DUTIES FOR PERMIT APPLICATIONS AND SPONTANEOUS DEMONSTRATIONS NOTIFICATIONS**

A. Upon receiving notification of a submitted permit application or spontaneous demonstration notification, Communications shall create a call for service in CAD and assign the on-duty Watch Commander to the call for service.

#### **818.8 RETENTION OF PERMIT APPLICATIONS, APPROVALS AND DENIALS**

A. Upon the issuance or denial of a permit, the assigned Watch Commander shall forward the complete application file to the Professional Standards and Services Lieutenant for retention pursuant to the city records retention policy.

## Chapter 9 - Custody

---

# Temporary Custody of Adults

## 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 Carlsbad Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 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.

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

**Temporary custody** - The time period an adult is in custody at the Carlsbad Police Department prior to being released or transported to a housing or other type of facility.

### 900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

This section will define terms utilized specifically in this manual.

**BOARD OF CORRECTIONS** means the California State Board of Corrections established through California Penal Code Sections 6024-6043.

**LOCAL DETENTION FACILITY** means any city, county, city and county, or regional jail, camp, or other correctional facility, and court holding facility used for the confinement of adults or of both adults and minors, but does not include that portion of the facility for the confinement of both adults and minors which is devoted only to the confinement of minors.

**TEMPORARY HOLDING FACILITY** means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release or transfer to another facility or appearance in court.

**FACILITY ADMINISTRATOR** means the Chief of Police who is charged by law with the administration of the detention center.

**FACILITY MANAGER** means the Field Operations Commander who has been delegated the responsibility for operating the detention center by the facility administrator.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

**MANAGERIAL CUSTODIAL PERSONNEL** means the Professional Standards and Services Division supervisor whose duties include planning, managing and other administrative functions.

**SUPERVISORY CUSTODIAL PERSONNEL** means the on-duty Watch Supervisor whose duties include direct supervision of the custodial personnel.

**CUSTODIAL PERSONNEL** means line staff whose duties include the care and treatment of prisoners. Line staff includes sergeants, police officers and police recruits.

**EMERGENCY** means any significant disruption of normal facility procedure, policies or activities caused by a riot, fire, earthquake, attack, strike or similar disturbance.

**ADMINISTRATIVE SEGREGATION** means the physical separation of different types of inmates from each other such as specified in California Penal Code Sections 4001 and 4002, Welfare and Institutions Code Section 508, and California Code of Regulations Section 1053. Administrative segregation is accomplished to provide the level of control and security necessary for good management and to insure the protection of staff and inmates.

**SHALL** is mandatory, **MAY** is permissive.

#### 900.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility, as appropriate:

- (a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.
- (b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.
- (c) Any person suffering from a severe mental disorder.
- (d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility (15 CCR § 1053).
- (e) A prisoner who is or may be contemplating suicide.
- (f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of the above.
- (g) Any person suspected or confirmed to be developmentally disabled (15 CCR § 1057).
- (h) Any person or persons for whom appropriate classification (by gender, age) cannot be maintained.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

- (i) Any person who is so intoxicated as to be a danger to him/herself or others and cannot be safely accommodated within the facility or a sobering cell (15 CCR § 1056). This shall also apply to those inmates who are undergoing withdrawal reactions (15 CCR § 1213).

#### 900.1.4 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

#### 900.1.5 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists (Penal Code § 2656 (a) and (b)).

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Watch Commander shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours of removal to determine if the removal will be injurious to the health or safety of the prisoner (Penal Code § 2656 (b)).

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility or, in lieu of transfer, shall be provided with an opportunity to petition the Superior Court for the return of the appliance in accordance with Penal Code § 2656(b) and (c).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

#### **900.2 POLICY**

The Carlsbad 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. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

##### **900.2.1 STAFFING PLAN**

The Facility Administrator shall prepare and retain a staffing plan which will indicate assigned personnel and their duties. The plan shall be available for biennial review by the Corrections Standards Authority (CSA) staff. The review and recommendations of the CSA biennial review shall be forwarded to the Chief of Police, as required by 15 CCR § 1027.

##### **900.2.2 RATED CAPACITY OF HOLDING CELLS**

The Board of Corrections has determined the Carlsbad Police Department temporary holding facility has a capacity of 22 prisoners. Cell capacities are as follows:

- (a) Cell M Male holding cell 6 prisoners maximum
- (b) Cell F Female holding cell 6 prisoners maximum
- (c) Cell J Juvenile holding cell 6 prisoners maximum
- (d) Cell I Intake cell 4 prisoners maximum

##### **900.2.3 EMERGENCY SUSPENSION OF STANDARDS**

Nothing contained herein shall be construed to deny the power of any facility administrator or facility manager to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of a local detention facility, of any of its inmates or staff, or the public, provided that only such regulations as are directly affected by the emergency may be suspended and that the facility administrator or facility manager shall notify the Board of Corrections in writing in the event that such a suspension lasts longer than three days. In no event shall such a suspension continue more than 15 days without the approval of the chairman of the Board of Corrections for a time specified by him.

##### **900.2.4 CRIMINAL HISTORY INFORMATION**

Such criminal information as is necessary for the conduct of facility inspections as specified in Section 6031.1 of the California Penal Code and detention needs surveys as specified in Section 6029 of the California Penal Code shall be made available to the Board of Corrections. Such information shall be held confidential except that published reports may contain such information in a form that does not identify an individual.

##### **900.2.5 INSPECTIONS**

Two categories of inspections are conducted in order to determine the conditions of detention, care, custody, training and treatment on the basis of, but not limited to, the minimum standards established by the Board of Corrections.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

- (a) Category 1: Mandated inspections by regulatory agencies.
  - 1. These inspections consist of annual inspections by the San Diego County Advisory Committee on Adult Detention, San Diego County Health Department, San Diego County Juvenile Justice Commission, State Fire Marshal (Carlsbad Fire Marshal,) and biennial inspection by State Board of Corrections.
- (b) Category 2: Inspections conducted at the direction of the facility manager.
  - 1. These include inspections on a daily basis by each Watch Commander, and monthly inspections by the Facility Manager or his designee. Inspections will be conducted to determine the facility sanitation, safety and maintenance condition. The inspector will prepare a report of findings, accounting all substandard or nonstandard conditions. The facility manager will direct the facility to be brought to appropriate standards. In all cases, the on-duty Watch Commander will direct the facility to be brought to acceptable standards.

#### 900.2.6 TRAINING

Supervisory custodial personnel who are responsible for the temporary holding facility shall satisfactorily complete eight (8) hours of specialized training and shall complete eight hours of refresher training every two years. Such training shall include, but not be limited to:

- (a) Applicable minimum jail standards.
- (b) Jail operations liability.
- (c) Inmate segregation.
- (d) Emergency procedures and planning.
- (e) Suicide prevention.

Such training shall be completed as soon as practical, but in any event not more than one year after the date of assigned responsibility or the effective date of these regulations.

Training may be accomplished through P.O.S.T. or Board of Corrections sanctioned courses or may be conducted as in-service. All training shall be documented.

All police officers will receive training in the operations and procedures of the temporary holding facility as an element of the Field Training Officer (F.T.O.) Program.

#### 900.2.7 SUPERVISION OF INMATES

The temporary holding facility of the Carlsbad Police Department is specifically designed for the temporary detention of persons arrested. Routinely, the formal booking of prisoners shall occur at the San Diego County Jail Vista Detention Center (VDF) or Los Colinas Women's Facility. Persons arrested in the field are to be transported directly to the VDF and booked. Exceptions to this procedure shall be authorized by a supervisor and shall include:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

- Further investigation required.
- Processing of evidence.
- Interviewing.
- Releases per 849(b) P.C.
- Juveniles.
- Search and Seizure.

In any case, persons temporarily detained shall not be detained longer than four (4) hours. Detention longer than four (4) hours must be approved by the Watch Commander. All persons detained shall be physically inspected no less than on the half hour.

Monitoring of inmates via closed circuit television and/or audio sources is the responsibility of the Watch Commander and/or communications personnel. The right to privacy when an inmate is exercising personal hygiene is to be respected.

The holding of prisoners for other agencies is prohibited without approval of the Watch Commander. The holding or incarceration of dependents of arrested persons within the confines of the detention center is also prohibited (children are not to be kept with parents while in custody).

Chain of Custody - Anytime a person is taken into custody there shall exist a chain of custody. The chain of custody requires the custodial person to formally pass custody to the next person authorized to receive prisoners. For example, in cases where a field officer passes custody of an arrestee to investigators for interviews, etc., that investigator becomes the custodial officer. Should the investigator terminate his custodial needs, he shall formally pass custody back to an authorized person. Formally passing custody requires a verbal notification of the person receiving the prisoner. In no case will prisoners be left in the detention center without formal notification being made to the watch commander or the officer accepting the prisoner.

The Watch Commander has the ultimate responsibility for the custody of all inmates and the operation of the temporary holding facility during day-to-day operations. No inmates are to be left in the facility without custodial personnel immediately accessible.

Whenever one or more female inmates are in custody, there shall be at least one female custodial officer who shall, in like manner, be immediately available and accessible to female inmates.

In all cases, the Watch Commander shall be advised of the status of prisoner transfer or passing of custody. In all cases, the Watch Commander or his designee will make inspections of all inmates every half hour. The inspector will initial and indicate the time of inspection for each inmate in the detention log. If an officer has had continuous observation of a prisoner, the officer may indicate so on the detention log.

#### 900.2.8 INCIDENT REPORTS

The facility administrator shall maintain a written record of all incidents which result in physical harm, or serious threat of physical harm, to an employee, inmate or other person. Such records

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

shall include the names of the persons involved, a description of the incident, the actions taken and the date and time of occurrence. Such written record shall be reported and submitted to the facility manager within 24 working hours of the event of an incident.

#### **900.2.9 REPORTING**

Annual reporting requirements consist of the State Fire Marshal Facility Inspection Report, San Diego County Health Department Health Inspections and Licensing, San Diego County Advisory Committee on Adult Detention Inspection reports, San Diego County Juvenile Justice Committee reports, biennial reports from State Board of Corrections and annual reports to the Department of Justice (jail population survey).

Temporary holding facility reporting requirements consist of: monthly facility inspections, adult and juvenile confinement logs and annual fire inspection reports.

The facility manager is responsible for reviewing and submitting reports and making necessary recommendations for improvements or compliance with regulations.

The facility manager is also responsible for the coordination of all inspections and the maintenance of all incident reports and logs and shall submit all required reports to the appropriate authority.

#### **900.3 PRISONER SUPERVISION AND CLASSIFICATION**

##### **900.3.1 HANDCUFFING OF PREGNANT ARRESTEES**

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 persons known to be pregnant or in recovery following delivery be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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

##### **900.3.2 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM**

Any Temporary Holding Facility incident that results in physical harm or serious threat of physical harm to an employee, inmate or other person shall be documented per the Use of Force Policy, On-Duty Injuries Policy or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted to the Facility Manager as soon as reasonably practicable. The Facility Manager will retain a record of these reports for inspection purposes (15 CCR § 1044).

##### **900.3.3 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

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 SAFETY, HEALTH AND OTHER PROVISIONS**

##### **900.4.1 TEMPORARY CUSTODY LOGS**

Any time an individual is in temporary custody at the Carlsbad 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 and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Carlsbad Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

#### **900.5 EVACUATION OF TEMPORARY HOLDING FACILITY**

[REDACTED]

##### **900.5.1 EMERGENCY EVACUATION**

[REDACTED]

##### **900.5.2 EVACUATION FORMATION AREA**

[REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

#### **900.6 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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 or court, 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.

#### **900.7 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Field Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Carlsbad Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Investigation Division Commander
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Medical Examiner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

##### **900.7.1 DEATH OF A PRISONER**

In the event of a fatal injury or death of a prisoner while in custody of the Temporary Holding Facility, in addition to a standard criminal investigation, the Chief of Police or the authorized designee shall report in writing to the Attorney General within 10 days after the death, all facts in the possession of the department concerning the death. In all such cases, the Watch Commander shall be notified and will make the appropriate additional notifications as directed in the Temporary Holding Facility manual.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Temporary Custody of Adults*

---

A medical and operational review of every in-custody death shall be conducted. The review team shall include the following:

- Chief of Police or the authorized designee
- The health administrator
- The responsible physician and other health care and supervision staff who are relevant to the incident (15 CCR § 1046)

### 900.7.2 ACCESS TO FAITH AND MORALS BASED PROGRAMS

Consistent with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs, and other secular volunteer programs. No prisoner shall be required to participate in any such program.

### 900.7.3 PRISONER DISCIPLINE

Prisoner discipline will not be administered in this facility. Any prisoner 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 INTAKE PROCEDURES

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Temporary Custody of Adults

---

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

#### 900.8.1 RECEIVING SCREENING

All persons brought to the facility shall receive a preliminary screening for medical and health problems, as well as developmental disabilities. Officers shall complete the medical screening portion of the intake log. Any inmate who appears to need medical care or who requests it shall

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

be attended to by paramedics or transported to the hospital by officers. Should the person require hospital treatment, proper arrangements should be made for booking and/or release of the subject.

Persons who have prescribed orthopedic or prosthetic appliances shall be allowed to keep them unless an immediate risk to security has been determined.

Females will be allowed to continue use of materials for personal hygiene regarding menstrual periods and prescribed birth control measures if appropriate.

The following classes of arrestees SHALL NOT be detained in the Carlsbad Police Temporary Holding Facility:

- pregnant or lactating females
- combative persons
- mentally disturbed persons
- persons with known communicable diseases
- an arrestee requiring medical treatment, claiming that they need medical treatment, or that is taking medication
- an arrestee contemplating suicide
- developmentally disabled or handicapped person
- anyone with diabetes or epilepsy
- persons infested with vermin
- Any person suspected of being under the influence of a hallucinogen, hypoglycemic agent, psychotropic medication, narcotics, sedatives, tranquilizers, anti-neoplastic (cancer) drugs, research medication or any person suffering from withdrawals of the above.

Arrestees are taken to county jail if the arresting officer determines that the arrestee falls into one of the above classes.

#### 900.8.2 SEARCHES

There are three types of searches conducted in the detention center. Intake searches for weapons, contraband and evidence, strip searches and body cavity searches. All searches are carried out by staff of the same sex as the inmate, preferably in a private location out of sight of other inmates and staff. In the event there are no female officers available for searches, the inmate shall be transported to the San Diego County Jail for search by female personnel. Body cavity searches require a search warrant and must be approved by a Watch Commander. An incident report articulating the probable cause for such search shall be prepared by the custodial officer. In no case will body cavity searches be conducted at the Carlsbad Police Department Temporary Holding Facility without prior approval of a Watch Commander.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

In all cases, officer and inmate safety is of utmost importance. Strip searches are not to be conducted by officers of the opposite sex.

Refer also to § 902 Custody Searches.

#### 900.8.3 PROPERTY/EVIDENCE

- (a) The control of property and evidence is an important element of a detention policy. In this case property is defined as the personal effects of an arrested person. Evidence is either property that is the fruit or tools of a crime (which may belong to the arrested person) or contraband.
- (b) All personal effects are to be removed from an arrestee, inventoried and placed in a property container and signed for by the arrestee. Items of jewelry should be described as white metal or yellow metal not silver or gold. Stones in jewelry are described as clear stone, red stone, not diamond or ruby etc.
- (c) Upon transport to another facility, the property shall be transported with the arrested person. In cases where property is in bulk, these items shall be listed on the property/evidence slip as "booking/safekeeping" and the arrestee shall be advised as to the procedure for the return of the property. This information shall be included with the arrested persons property slip.
- (d) Items that are specifically identified as weapons are to be held as evidence or safekeeping and are not to be transported to the county Jail. (Pocket knives may be transported with the property, but the intake deputy must be advised that the property includes the item.) In cases where an arrestee claims loss or theft of property while in custody, the arresting officer shall file an incident report concerning the claim, which shall be forwarded to his/her Watch Commander for review and further action. (Watch Commanders shall cause an immediate investigation, if appropriate.)
- (e) In the event personal property is inadvertently left in the detention center after the arrestee has been transported to another facility, the arresting officer (if property can be identified) shall be responsible for either transporting the property or logging it in for safekeeping and notifying the arrestee. In the event of unidentified property, the Watch Commander will direct that it be properly logged as found property.
- (f) Legally prescribed medicines and medical supplies shall be transported with the arrestee and the intake deputy shall be notified.

#### 900.8.4 SECURITY AND CONTROL

Security and control of the detention center is of primary importance in preventing escapes and injuries to inmates or department personnel. In all cases, arrestees who are not confined in the appropriate holding cell shall be supervised. All interviews of arrestees shall be conducted in the detention interview room (other than those approved by the Watch Commander and investigations supervisor for interview in the Investigations interview area). Door access devices, keys, etc., shall

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

be secured in order to prevent theft or access by inmates. Arrestees should not be removed from vehicles in the sally port until all doors have been secured. Should there be mechanical problems with roll-up doors, there are two side doors to the sally port which can be used for intake. Due to the "temporary" nature of the detention center, visits by civilians must be approved by the Watch Commander. Attorneys demanding client interviews are to be referred to the Watch Commander. Prisoners have a constitutional right to unimpeded access to attorneys and legal representation. If the Watch Commander approves any visits to an inmate, the visitor shall be searched prior to entry into the center. Only bona fide attorneys not paralegals shall be admitted. The attorney should provide a valid California Bar membership card and a picture identification.

During the process of opening and closing the sally port doors, all unidentified persons approaching or in the area shall be challenged as to their business in the area. The release of persons from the detention center shall be escorted. Officers shall escort released persons to the lobby of the safety center where they are to be monitored until leaving the facility. In no case will persons be released within the security perimeter of the facility.

#### 900.8.5 USE OF FORCE RESTRAINTS

In all cases where force is used to restrain an arrestee, the laws of the state and the policies of the Carlsbad Police Department shall be in effect. Only that force necessary to affect the arrest and to maintain the effective custody of a person may be used. Effective custody as used in this context means the ability to control the movements of a person, which eliminates escape and maintains the safety of both the arrestee and officers from injury and prohibits damage to property. The use of force in the detention setting may require that a person who is continually combative be restrained while in custody. If, in the officer's judgment, the person is likely to continue a combative demeanor he/she should be transported to the County Jail or other facility. A continuously combative individual mitigates the need to bring him/her to the detention facility. Further, if an inmate becomes combative and must be restrained, arrangements should be immediately made to transfer the restrained inmate to county jail or other facility. At no time will the restrained inmate be housed with other prisoners and the restrained inmate shall be continuously observed.

In all cases where officers find it necessary to use force to restrain arrestees, the officer(s) must advise the Watch Commander and must prepare an incident report describing the incident. Officers shall take all precautions in using the various types of restraints (handcuffs should be properly secured and locked, etc.).

Arrestees who are injured during confinement or arrest shall be given the appropriate medical attention prior to transport to the jail or medical facility, whichever is appropriate.

Use of the safety cell for any confinement is prohibited.

#### 900.8.6 INMATE RELEASE

The release of arrested persons is mandated by law. Released persons are to be escorted to the lobby exit of the safety center. This also applies to juveniles released to parents. Persons who

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

arrive at the safety center for the pick up of released persons shall not be brought into the interior of the building. (Interviews, etc., are to be conducted in the press/interview room of the lobby.)

The release of arrestees should be conducted in a manner that maintains security, and reduces the humiliation to the individual.

#### **900.9 CLASSIFICATION AND SEGREGATION**

The classification and segregation of arrestees is an extremely important aspect of the proper operation of a temporary holding facility. Police personnel must be aware of the health and safety of persons who are in custody. This section describes the policies and procedures necessary to maintain order, avoid injuries and to respect the rights of the individual. The classification plan will describe the assignment of inmates to temporary holding rooms based upon the categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive or non-assaultive behavior, and other criteria will provide for the safety of the prisoners and staff.

The Carlsbad Police Department temporary holding facility consists of three holding cells, one safety cell (not available for use), one intake cell, one tox/live-scan room, and one intake counter area. The diagram (see appendix) depicts the schematic layout of the center.

Each room and cell has been marked with letters for ease in segregation, as follows:

- I Intake Cell
- T Tox/Live-scan Room
- J Juvenile Holding Cell
- F Female Adult Holding Cell
- M Male Adult Holding Cell
- S Safety Cell (non functional)

The security and communications system for the center include: closed circuit television, audio monitoring, panic alarms, intercom, telephone, and smoke/fire detectors.

#### **900.9.1 CLASSIFICATION PLAN**

The following rules apply with respect to the classification of inmates:

- (a) Female prisoners will not be housed in the facility without a female custodial officer on duty. If no appropriate female personnel are on duty, female prisoners will immediately be transported to the county jail for booking and detention.
- (b) Male prisoners are to be separated from female prisoners at all times while in the facility.
- (c) If the gender of a prisoner cannot be determined at the time of booking, the prisoner shall be transported to the County Jail for booking and detention.
- (d) Felony offenders should not be housed with misdemeanants.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

- (e) Prisoners shall be questioned regarding having served time in state prison or county jail.
- (f) A prisoner who has served state prison/county time tends to be more criminally sophisticated and should not be housed with prisoners that have not served any prison or county time.
- (g) Prisoners shall be questioned concerning gang affiliations. Gang members shall not be housed with non-gang members or opposing Gang members.
- (h) Juveniles shall not be placed in a cell with adults.
- (i) Adults with a large difference in age should not be housed together. Large age differences may result in one inmate victimizing another.
- (j) Officers shall note on the booking form any classifications/separations that were made and the reasons why. This information should be communicated to the intake officer at the county jail upon booking the person into the jail.
- (k) The Watch Commander may make any other segregation and classification of prisoners as needed for the safety of staff or prisoners or to aid in an investigation.

#### 900.9.2 JUVENILES

- (a) Any minor taken into temporary custody by a peace officer, on the basis that they are a person described by section 602 of the Welfare and Institutions Code, may be held in secure detention or non-secure custody within a law enforcement facility that contains a lockup for adults provided that the applicable standards set forth in Title 15 are met.
- (b) The following shall be made available to all minors held in temporary custody:
  - 1. Access to toilets and washing facilities
  - 2. One snack upon request during the term of temporary custody if the minor has not eaten within the past four hours or is otherwise in need of nourishment
  - 3. Access to drinking water, and
  - 4. Privacy during visits with family, guardian, and/or lawyer.
- (c) In addition to the above, minors placed in locked rooms shall be:
  - 1. Provided blankets and clothing, as necessary, to assure the comfort of the minor, (paper suits and blankets available under intake counter) and
  - 2. Permitted to retain and wear his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of a crime.
- (d) There shall be no contact between minors held in temporary (either non-secure or secure detention) and adult prisoners who are detained in a law enforcement facility.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

- (e) A minor who is taken into temporary custody by a peace officer on the basis that he or she is a person described by section 602 of the Welfare and Institutions Code may be held in secure detention in a law enforcement facility that contains a lockup for adults if the minor is 14 years of age or older and if, in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth in these standards are met. Any minor in temporary custody who is less than 14 years of age, or who does not in the reasonable belief of the peace officer present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody set forth in these standards are met.
- (f) In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:
  - 1. Age, maturity and delinquent history of the minor
  - 2. Severity of the offense for which the minor was taken into custody
  - 3. Minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative.
  - 4. The availability of staff to provide adequate supervision or protection of the minor, and
  - 5. The age and numbers of other individuals who are detained in the facility.
- (g) When in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm. Contact between adult prisoners and minors who are in either secure detention or non-secure custody in a law enforcement facility shall be restricted as follows:
  - 1. no communication between minors and adult prisoners is allowed
  - 2. if an adult prisoner is present with the minor in the same room or area, staff of the law enforcement facility trained in the supervision of inmates shall maintain a constant, side by side presence with either the minor or adult prisoner to assure there is no communication between the minor and adult prisoner.
- (h) Minors held in secure detention shall receive constant auditory access to staff and be personally checked at least every 30 minutes, which shall be documented.
- (i) Males and females shall not be placed in the same locked room.
- (j) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. A staff person from the facility shall be present at all times to assure the minor's safety while secured to a stationary object. Securing minors to a stationary



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

object for longer than 30 minutes, and every 30 minutes thereafter shall be approved by the Watch Commander and the reasons for the continued detention shall be documented. Minors who are secured to a stationary object shall be moved to a locked enclosure at such time as it becomes available.

- (k) Minors held in temporary custody, who do not meet the criteria for secure detention as specified in section 207.1(d) of the Welfare and Institutions Code, may be held in non-secure custody if a brief period of time is needed to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility.
- (l) Minors held in non-secure custody shall receive constant personal visual supervision by staff of the law enforcement facility. Monitoring a minor using audio, video, or other electronic devices shall never replace personal visual supervision.
- (m) In any case in which a minor dies while detained in a juvenile facility, jail, lockup, or court holding facility the administrator of the facility shall provide to the Board of Corrections a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Board within 10 calendar days after the death. Further, in the case of death or serious injury of a juvenile prisoner, the Watch Commander shall be responsible for insuring the notification of the juvenile's parents or legal guardian and the presiding judge at the juvenile court. In the event of a death it is permissible for the Watch Commander to allow the medical examiner to make death notification as part of their standard procedures.
- (n) A written medical clearance shall be obtained prior to booking any minor known to have ingested, or who appears to be under the influence of, one or more intoxicating substances. If after the written medical clearance has been obtained, it is necessary to detain the minor in secure detention or non-secure custody, the minor shall be personally checked at least every 15 minutes, and the check shall be documented. Any minor who is suspected of ingesting any intoxicating substance may only be released to a parent/guardian, hospital/treatment center, or juvenile hall. The person accepting custody shall be informed of the officer's observations and shall be documented in the report.
- (o) Every juvenile detained shall be logged into the Monthly Log for the Confinement of Juveniles which is kept in both the detention center and the report writing area. The Community Services supervisor is responsible for maintaining and reporting for both juvenile and adult logs.
- (p) It is neither the responsibility nor the intention of the Carlsbad Police Department to discipline juveniles in temporary custody in this facility. No officer with this department or any group of persons, shall be allowed to administer, perform, or inflict any

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

discipline, punishment, or corrective action on any juvenile while in secure detention or non-secure custody.

- (q) The forms of discipline referred to in this section include corporal punishment, denial of privileges, and mental stress.

#### 900.9.3 ADMINISTRATIVE SEGREGATION

Administrative segregation is the tool by which Facility Managers can provide separations which provide for the safety of staff and inmates alike.

Administrative segregation is commonly used to:

- Separate opposing gang members.
- Separate inmates prone to escapes.
- Separate relatives.
- Separate collaborators to a crime.
- Separate persons with communicable disease from non-infected persons.
- Separate violent versus nonviolent persons.
- Separate sexual criminals from others.
- Separate mentally disturbed persons from others.

NOTE: This policy prohibits people with communicable disease, or mentally disturbed people from being housed at the CPD holding facility.

Not every situation may be accounted for in proper separation. Every effort must be made, given the information available to separate persons to secure their safety and well being. In any case, segregation must meet legally mandated requirements.

All classification and segregations shall be noted on the booking slip and shall be communicated to the intake officer at the county jail upon booking the person(s).

#### **900.10 INMATE SAFETY**

##### 900.10.1 USE OF SAFETY CELL

The safety cell is inoperable and is not to be used under any circumstances.

##### 900.10.2 EMERGENCY PROCEDURES

Emergency procedures generally are defined as those which necessitate immediate action to resolve a problem which is outside the scope of the routine of the facility. Emergencies can take the form of riot, security breaches, fire, hostage incidents, attempted suicide, disasters, etc.. Obviously, not every situation can be anticipated<sup>¾</sup> however, general procedures can be developed which will account for a broad range of situations. Specifically, any incident that threatens the life or may precipitate injury to any arrested person, staff or the general public is considered an emergency.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

Basic rules concerning emergencies are:

- Sound appropriate alarms (panic, fire, etc.).
- Notify communications and the Watch Commander of type and seriousness of emergency.
- Evacuate persons in custody to sally port, or other safe and secure location (or transport immediately to the appropriate location).
- Call for medical assistance.
- Maintain security of detention center and building.
- Take all necessary measures to insure safety of staff and inmates.

Additional emergency procedures may be found in department directives, disaster plans and other procedural manuals.

#### 900.10.3 INMATE ORIENTATION

Rights mandated by code, it shall be the policy of the Carlsbad Police Department that all persons lawfully detained or arrested by officers of the department shall be treated with appropriate civility and respect. Only that force necessary to affect an arrest or maintain custody will be used. The intentional humiliation, taunting or other mistreatment of prisoners is strictly forbidden.

The successful operation of a detention center is best accomplished by developing a professional atmosphere in which inmates and staff can function cooperatively. Uncooperative inmates should be processed as quickly as possible and should be transported to the proper facility.

#### 900.10.4 SUICIDE PREVENTION

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:

- Prominent persons charged with embarrassing crimes.
- Persons held for alcohol or drug related charges.
- All juveniles held in adult facilities.
- Persons with a history of self-destructive acts.
- Individuals who state their intention of suicide.
- Individuals who appear depressed.
- A female who has given birth within the past year, and is charged with murder or attempted murder of her infant child.

Suicide prevention is an important element in intake procedures and screening. Routinely, all property that would lend itself to injury or death such as belts, hose, etc., should be removed from an individual before placing them in detention. In cases where there is a risk that has been

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

assessed it may be appropriate to remove all clothing from the individual and provide them with a paper jump suit until transported to the proper facility.

Prisoners who have visible scars on their wrists or neck indicating prior suicide attempts, and prisoners that state intentions of suicide shall not be housed at our facility.

Any person exhibiting the above symptoms should be transported to the appropriate facility as soon as possible and in any event shall be placed under constant observation.

Upon transfer, the custodial or transporting officer will inform the receiving custodian

#### 900.10.5 FACILITY SANITATION

It shall be the policy of the Carlsbad Police Department that the health and safety of inmates and staff while in the detention center are of utmost importance. It is the duty of all custodial personnel to report needed repairs, vermin infestation and unsanitary conditions within the detention center to the Watch Commander. The Watch Commander shall immediately report the condition to the facility manager and shall arrange the repair, cleaning or extermination as needed (see Section 107 Inspections). A record of all repairs, cleaning and extermination will be kept by the facility manager.

The City of Carlsbad Fire Marshal will approve all cleaning compounds and chemicals prior to use. All custodial personnel are responsible for the pickup of incidental trash and debris, and the reporting of unsanitary conditions. What is important is that the facility be maintained in as safe and healthful a manner as possible.

#### 900.10.6 FIRST AID KITS

An Occupational Safety and Health Association approved first aid kit has been provided in the intake area of the Detention Center. The kit is to be used for the emergency application of first aid until the arrival of medical personnel. Watch Commanders and custodial personnel shall inspect the kit on a regular basis to insure that appropriate items are in stock. A sign off card is kept with the kit to document inspections and restocking.

#### 900.10.7 MEDICAL PROCEDURES

Medical aid shall be summoned for ill prisoners. Depending on how serious the prisoner's condition is, the Watch Commander should determine whether the prisoner should be transported by ambulance or patrol car. In life threatening cases or serious injuries, first aid should be provided while emergency transport is en route.

Any inmate who appears to be in need of, or requests medical treatment shall be transported to the hospital without delay. If inmates are transported to another facility with a known illness or condition<sup>¾</sup> the condition shall be reported to the intake person at that facility. Persons suffering from alcohol intoxication should be carefully screened to determine the extent of the intoxication. Severe intoxication can be fatal and may require proper treatment. Persons deemed to be severely intoxicated should be transported to the appropriate treatment facility.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

#### 900.10.8 MEDICATIONS

In some cases there may be persons arrested who are under medication for various types of conditions such as heart problems, seizures, diabetes, etc. In all cases, when medications are brought into the Detention Center, the officer shall:

- Determine that the prescription or medication is valid.
- Determine if the inmate has taken medication within prescribed directions and if he/she is well.
- Notify the Watch Commander of the situation.
- In no case shall officers administer medications to inmates. Should an inmate request medication and if approved by the Watch Commander, the officer shall allow the inmate to self-administer medication under the officer's or paramedics' supervision.
- A supply of feminine sanitary pads is kept under the counter in the booking area for distribution to inmates upon request.

In all cases possible, persons requesting medications should be transported to county jail for booking and attention by jail medical staff. In addition, officer shall note on the remarks section of the booking slip, medical conditions of the inmate<sup>3/4</sup> and jail personnel should be verbally informed and given the medications. Appropriate first aid and the summoning of medical assistance should occur in any emergency situations.

In order to properly segregate and/or determine medical problems of arrested persons, a medical screening form has been provided in the detention center. The inmate should be queried from the form and the officer should place the form with the case.

#### **900.11 PRISONER RIGHTS**

##### 900.11.1 ACCESS TO TELEPHONE

Pursuant to Penal Code Section 851.1 all adult arrestees have the right to three (3) completed phone calls immediately upon being booked and unless impossible, within three (3) hours after being arrested. Pursuant to Welfare and Institutions Code 726(b) all juveniles will be advised and has the right to two (2) phone calls within one (1) hour of arrest. Telephone calls are to be afforded locally at no charge and long distance collect.

There is a telephone advisory sign located in the detention center. The sign is in English and Spanish. Inmates requesting calls shall be afforded those calls and the officer shall note on the remarks section of the booking slip the number of calls placed by the inmate. Telephone calls to attorneys from inmates are privileged communications. Inmates are not allowed to receive telephone calls in the Detention Center.

##### 900.11.2 RIGHT TO COUNSEL

Because the Carlsbad detention center is temporary in nature, provisions for attorney/client visits have not been provided. Inmates requesting attorneys shall be transported to the county jail

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Custody of Adults*

---

without delay in order to accommodate their request. In some cases attorneys may arrive for visitation prior to transport to other facilities. If this occurs, the inmate has a constitutional right to the attorney visit. Attorneys must provide their California Bar membership card and a picture identification and submit to a search prior to visitation.

Only bona fide attorneys, not paralegals, are allowed access.

#### **900.11.3 MEALS**

Due to the temporary nature of the Carlsbad Police Temporary Holding facility, there is no regularly scheduled meal service.

Due to the short duration of stay, inmates are transported to the county jail to allow for food service. In rare cases of stays beyond normal mealtimes at the county jail, or when inmates make requests due to hunger, the Watch Commander shall evaluate the situation. The Watch Commander shall determine if the inmate can receive food service from the jail or if it would be more appropriate to provide food from a local restaurant for the inmate.

#### **900.11.4 BEDDING**

Inmates brought into the Temporary Holding Facility will not be housed overnight (2400 - 0600). The temporary nature of this facility and the adjacency of the Vista Detention Facility negate the need to house inmates overnight. Blankets are made available to inmates when requested. All blankets should be discarded after use. Replacement blankets are available from the fire department at station 5.

#### **900.11.5 DISCIPLINE**

Discipline shall not be administered in this facility.

### **900.12 DEATHS IN CUSTODY**

Incident reports shall be filed by the Watch Commander, custodial officer and by any other person having knowledge of circumstances of the detention of the deceased. The facility manager shall direct the appropriate notification of the media. The coroner's office shall be notified immediately in order that a medical review can be conducted. A prisoner's next of kin shall be contacted and advised by the Watch Commander in the case of serious illness or death of any prisoner in custody.

There shall be a medical and operational review of every death in custody. The review team shall include the facility administrator and/or the facility manager<sup>3/4</sup> the health administrator (representative of the county coroner's office)<sup>3/4</sup> the attending physician<sup>3/4</sup> and other health care and supervision staff who were relevant to the incident. In addition, the investigations division shall be notified and a formal death investigation will be conducted. The facility administrator and Manager shall be advised and may request independent investigation by the San Diego County Sheriff and/or District Attorney.

In any case, the facility administrator shall notify the State Attorney General in writing within ten (10) days of all facts concerning the death. Reports are submitted to:

Bureau of Criminal Statistics

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Temporary Custody of Adults*

---

Statistical Data Center

P.O. Box 903427

Sacramento, CA

94203-4170

### 900.12.1 EXCLUSIONS

The standards for temporary holding facilities underwent a review and revision in July 1985. The requirements for the physical plant are not retroactive. Therefore, the Carlsbad Detention Facility was designed to meet the requirements of the 1980 Standards as submitted to the State Board of Corrections. (State Board of Corrections Letter, July 10, 1985)

## 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 Carlsbad Police Department facility. Such items can pose a serious risk to the safety and security of department 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 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 Carlsbad 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.

### 902.5 STRIP SEARCHES

No person held at a Carlsbad Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person 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:



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Custodial Searches*

---

- (a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
- (b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. 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 (past possession of contraband while in custody, assaults on staff, escape attempts).
- (d) The person's actions or demeanor.
- (e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part 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 Carlsbad Police Department facilities shall be conducted as follows (Penal Code § 4030; 28 CFR 115.115):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.
- (e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.
- (f) The primary employee 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Custodial Searches*

---

3. The written authorization for the search, obtained from the Watch Commander.
  4. The name of the person who was searched.
  5. The name and sex of the persons 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, recovered during the search.
  10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.
- (g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner 's authorized representative.
- (h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while the prisoner is showering, performing bodily functions or changing clothes, unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner 's consent and/or otherwise protect the prisoner 's privacy and dignity.

#### **902.6 PHYSICAL BODY CAVITY SEARCH**

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

#### **902.7 TRAINING**

The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Custodial Searches*

---

- (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.

## Transportation of Prisoners

### 903.1 PURPOSE AND SCOPE

This policy is designed to provide some protection to officers who transport prisoners. Although not wholly inclusive, it provides some defense and protection against false allegations arising from misconduct of officers and prisoners, including, but not limited to: excessive force, sexual contact and other inappropriate behavior.

#### 903.1.1 PROCEDURE

Whenever an officer has custody of ANY prisoner, whether male, female or juvenile, they will notify dispatch of their intended destination and starting mileage. Dispatch will note this information in the officer's CAD and notate the time.

When arriving at the destination, the officer will advise dispatch that they have arrived and their ending mileage. Dispatch will note in the officer's CAD this information and notate the time.

If the final destination changes from the original one noted, the officer will air the correction to dispatch and it will be noted in their CAD.

#### 903.1.2 ADDITIONAL RESTRICTIONS

Officers are not authorized to use any r transportation method which involves a substantial risk of positional asphyxia.

Positional asphyxia means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia. (Gov. Code, § 7286.5)

## 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 Carlsbad 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

- 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 Carlsbad Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department 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 Carlsbad 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 efforts to comply with PREA standards in the Carlsbad 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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department 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'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 and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

- (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 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 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).

##### **904.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

- (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 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'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 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 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 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-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 physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

- (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 Carlsbad 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 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)).

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

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 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**

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Prison Rape Elimination*

---

#### 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'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 website or, if it does not have one, through other means. Material may be

## *Prison Rape Elimination*

---

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 Carlsbad Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department 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 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, 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-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department'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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Prison Rape Elimination*

---

- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator 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

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Carlsbad Police Department and that are promulgated and maintained by the HumanP Resources Department.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Carlsbad Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Administration Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Recruitment and Selection*

---

#### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

##### **1000.4.1 VETERAN'S PREFERENCE**

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Carlsbad Police Department (11 CCR 1953).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Recruitment and Selection*

---

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

#### 1000.5.1 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Carlsbad Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

#### 1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

#### 1000.5.3 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

#### 1000.5.4 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### 1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall not include any information that is prohibited from use, including that from

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Recruitment and Selection*

---

social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

#### 1000.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

#### 1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Recruitment and Selection*

---

performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

#### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident eligible for and has applied for citizenship
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951)
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (i) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (j) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

#### 1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Recruitment and Selection*

---

### **1000.8 PROBATIONARY PERIODS**

The Administration Division Commander should coordinate with the Carlsbad Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

---

## Special Assignments and Promotions

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Carlsbad Police Department.

#### 1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to organizational goals and objectives in a positive manner.

### 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Enforcement Team member
- (b) Detective
- (c) Motor
- (d) Accident Investigator
- (e) Field Training Officer
- (f) School Resource Officer
- (g) Canine Officer
- (h) Crime Suppression Team (CST)
- (i) Homeless Outreach Team (HOT)

#### 1004.2.1 REQUIRED QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years law enforcement experience

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Special Assignments and Promotions*

---

- (b) Consideration for selection to SWAT only: At the discretion of the SWAT Commander, candidates who have relevant military experience may qualify for consideration provided they are off probation at time of appointment to the team.
- (c) Successfully completed new employee probation
- (d) Has shown an expressed interest in the position applied for
- (e) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

Employees must meet these requirements upon the closing deadline for all special assignments and collateral duties. If no qualified employees express an interest during the initial application period the Department shall re-open the application process allowing other employees to apply who may not specifically meet these requirements.

#### **1004.3 SELECTION PROCESS**

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Chief of Police.
- (b) The Division Commander will schedule interviews with each candidate.
- (c) After the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations, for training or at the discretion of the Chief of Police.

#### **1004.4 PROMOTIONAL REQUIREMENTS**

Requirements and information regarding any promotional process are available at the Carlsbad Human Resources Department.

#### **1004.5 PROMOTION SPECIFICATION**

[Specifications for promotional opportunities are on file with the City of Carlsbad Human Resources Department.](#)

#### **1004.6 SPECIAL ASSIGNMENT ROTATIONAL STANDARDS POLICY**

The following special assignment rotational plan will detail the period that department members may occupy each special assignment. These identified time periods are not guaranteed to department members who are selected for the assignments. The described time periods are maximum deployment periods for department members selected for the assignments. The ability for department members to remain in special assignments will be determined as a portion of the annual performance evaluation of the employee. This policy in no way limits the Chief of Police and/or his designee's discretion in making special assignment staffing decision

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Special Assignments and Promotions*

---

The following length of assignment represent the maximum term for the position and requires continued approvals during the member's annual reviews.

### Investigations

- Crimes of Violence Sergeant: 8 years
- Vice Narcotics Sergeant: 6 years
- Family Services Sergeant: 6 years
- General Investigations Sergeant: 4 years
- Crimes of Violence: 8 years
- Vice Narcotics Intelligence Unit: 6 years
- Child Abuse: 6 years
- Domestic Violence: 6 years
- Juvenile Crimes: 6 years
- Task Force Officer: 4 years
- General Investigations and other Detective positions: 4 years
- School Resource Officer: 4 years
- Crime Suppression Team: 3 Years
- Homeless Outreach Team: 3 years

### Traffic

- Traffic Sergeant: 6 years
- Accident Investigators: 8 years
- Motors: 6 years

K9: Life of the dog with a 3-year minimum

Professional Standards & Services Bureau: 4 years

### Community Service Officers

- Investigative: 3 years
- Traffic: 3 years
- Administrative/PSSB: 3 years

### **1004.7 POLICY**

The Carlsbad Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.



## Probationary Officers

### 1005.1 PURPOSE AND SCOPE

The purpose of this order is to define the probationary period and to establish a policy for the selection of probationary employees to special assignments.

### 1005.2 PROCEDURE

- (a) The start of the probationary year for lateral and academy graduate officers begins on the date they are appointed and sworn in. The probationary period for recruit officers begins the day that they graduate from the police academy and are sworn in. The probationary period for non-sworn employees begins on their date of hire.
- (b) The probationary period is 365 days from the established start or appointment date. First year probationary employees are considered at will, in keeping with terms of the MOU and established personnel practices of the City of Carlsbad.
- (c) The probationary period for employees who have been promoted in rank shall be 365 days from the effective date of the promotion.
- (d) In the case of an extension of an employee's probation, including but not limited to, remedial training, illness of the probationary employee, or a call up of the employee for Reserve or National Guard duty, the employee's period of probation may be extended at the discretion of the Chief of Police. During this extension of probation, said employee will not be eligible to apply for special assignments.
- (e) It is the policy of the Carlsbad Police Department that probationary officers will not be eligible for selection to a special assignment within the department, i.e., traffic division, detective division, ORLE, etc., until they have successfully completed the one-year probation period. This policy will apply to both recruit level officers, lateral officers, and other employees who have been promoted during their first year of employment and probation with the department. This policy may be waived for probationary promotional officers at the discretion of the Chief of Police.
- (f) First-year probationary officers may be temporarily assigned to a special detail, i.e. vice narcotics, if the needs of the department require it. The supervisor requesting the temporary use of a probationary officer shall state in writing the officer's qualifications and the reasons why the supervisor wishes the officer to be temporarily assigned to the detail. Temporary assignments shall be approved at the discretion of the Chief of Police.

## Reporting of Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS, 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 may be inherently in conflict with law enforcement duties and the public trust.

### 1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, 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 shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Reporting of Employee Convictions*

---

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. Employees 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 or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

##### **1010.5.1 NOTIFICATION REQUIREMENTS**

The Administration Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Supervisor shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

---

## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 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.

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 the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 1012.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 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 or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Drug- and Alcohol-Free Workplace*

---

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.

##### **1012.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS**

The Department may request an employee to submit to a screening test if the employee:

- (a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
- (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

#### **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 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).

#### **1012.8 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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Drug- and Alcohol-Free Workplace*

---

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 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.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1014.2 POLICY

It is the policy of the Carlsbad 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 no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Sick Leave*

---

#### **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 specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

#### **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 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 provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 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.

#### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communicable Diseases*

---

- (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)

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.,

## *Communicable Diseases*

---

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 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communicable Diseases*

---

#### 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.

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communicable Diseases*

---

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.

#### 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.

### **1016.4 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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communicable Diseases*

---

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.
- (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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communicable Diseases*

---

- 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.

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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Communicable Diseases*

---

- (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 Carlsbad 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.

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.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Communicable Diseases*

---

- (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.

---

# Aerosol Transmissible Diseases

## 1017.1 PURPOSE AND SCOPE

- (a) The intent of the Oakley Police Department's Aerosol Transmissible Diseases (ATD) Plan is to promote safe work practices and to provide an environment that reduces occupational exposure to ATDs such as tuberculosis, SARS, meningitis, pertussis (whooping cough), and seasonal influenza. The objectives of the plan are to:
  - 1. Protect our employees from the illnesses associated with ATDs.
  - 2. Provide appropriate treatment and counseling following an employee exposure incident
- (b) These procedures have been established in accordance with the Cal/OSHA ATD Standard, California Code of Regulations (CCR), Title 8, Section 5199. The ATD Standard applies to police services provided during:
  - 1. Transport or detention of persons reasonably anticipated to be ATD cases
  - 2. Health care or public health operations.
- (c) Police services are considered a "referring employer" under the standard if the following conditions are met:
  - 1. There is a process in place to screen persons for further evaluation by a health care provider based on readily observable ATD signs and symptoms.
  - 2. Suspected ATD cases are referred or transported to a facility that can provide appropriate diagnosis, treatment, and isolation.
  - 3. Non-medical transport only is provided (i.e. medical services are not expected to be provided).

## 1017.2 POLICY

Members of the Carlsbad Police Department must comply with the provisions of this plan to prevent, or react to, an Aerosol Transmittable Disease (ATD) situation as outlined in the scope above.

## 1017.3 REFERENCES

- (a) CCR, Title 8, Section 5199, Aerosol Transmissible Diseases
- (b) CCR, Title 8, Section 3204, Access to Employee Exposure and Medical Records
- (c) Policy 1016 Communicable Diseases
- (d) Policy 707 Personal Protective Devices

## 1017.4 RESPONSIBILITIES

- (a) **Chief of Police**

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

1. The Chief of Police, or delegated authority, has the responsibility to:
  - (a) Review the results of the annual ATD procedure and review and correct deficiencies as necessary.
  - (b) Ensure employees comply with ATD procedures.
  - (c) Allocate resources and support to appropriately implement the ATD plan, including annual employee training.
  - (d) Designate an ATD Administrator (Exposure Control Officer) that may be appointed from within the Police Department.

**(b) Exposure Control Officer**

1. The Exposure Control Officer is the designated ATD Administrator and has the authority and full support of the Chief of Police to perform the following duties. The Administrator has the responsibility to:
  - (a) Conduct an annual review of the ATD procedures and provide a summary to the Chief.
  - (b) Ensure ATD procedures are implemented for the department.
  - (c) Maintain all required records relating to ATD procedures, including employee medical records.
  - (d) Offer vaccinations and tuberculosis (TB) testing annually for applicable personnel identified in the Standard.
  - (e) Ensure employees receive initial and annual training in ATD procedures.
  - (f) Determine department-specific methods for source control, cleaning/disinfection of work areas and vehicles, and referrals to Fire Dept.
  - (g) Document exposure incidents and implement the post-exposure evaluation process for affected employees.
  - (h) Implement communication procedures to inform employees, and other employers involved in the exposure incident who may have had contact with the ATD case.
  - (i) Provide information on health alerts and community outbreaks as received from the local health officer, or County Public Health Department.
  - (j) Demonstrate knowledge in infection control principles and practices as they apply to the police department's facilities and operations.

**(c) On-Duty Supervisor**

1. On-Duty Supervisors have the responsibility to:
  - (a) Ensure employees attend initial and annual training sessions.
  - (b) Train employees on department-specific safe work practices to reduce exposure to ATDs.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

- (c) Ensure compliance with the ATD procedures for employees under their direct supervision and control.
  - (d) Monitor the post-exposure evaluation process where an exposure incident has occurred.
- (d) **Sworn Officers**
- 1. Personnel have a responsibility to:
    - (a) Provide input regarding the effectiveness of the procedures to the ATD Administrator, including during the annual review.
    - (b) Comply with safe work practices when exposure to a suspected ATD case occurs.
    - (c) Follow post-exposure evaluation procedures if an exposure incident occurs.
    - (d) Recognize signs and symptoms of ATDs based on screening procedures.
    - (e) Accept or decline vaccinations and annual TB testing offered by the department.
    - (f) Attend initial and annual ATD training.
- (e) **Other Employers**
- 1. Other employers have a responsibility to:
    - (a) Follow all city procedures.
    - (b) Receiving information from the city regarding ATD exposures

#### **1017.5 OCCUPATIONAL EXPOSURE DETERMINATION**

- (a) Cal/OSHA defines an occupational exposure as exposure from work activity or working conditions that is reasonably anticipated to create an elevated risk of contracting an ATD if protection measures are not in place. The following units/divisions at the Carlsbad Police Department have the potential for occupational exposure as defined in the standard:
  - 1. Sworn personnel, including field patrol officers, detectives, and reserve officers, have an elevated risk of exposure to suspected ATD cases due to the likelihood of needing to interact with members of the public known or suspected to be ATD cases during arrests and in-custody settings, responding to medical aid and welfare check calls, transport to a custody and/or health care facility, and accompanying known or suspected ATD cases in an ambulance.
  - 2. Non-sworn personnel, including personnel who assist with booking and transport duties, have an elevated risk of exposure to known or suspected ATD cases due to the likelihood of needing to interact with such individuals in custody, during transport to a custody and/or a health care facility and accompanying known or suspected ATD cases in an ambulance.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

#### **1017.6 SCREENING PROCEDURES, WHEN HEALTHCARE PROFESSIONAL UNAVAILABLE**

- (a) When a Healthcare Professional is unavailable, the police department will initiate non-medical professional screening procedures based on readily observable symptoms and/or self-reports of the following conditions:
  - 1. Persistent cough.
  - 2. Signs and symptoms of a flu-like illness. Flu-like symptoms include coughing, fever, sweating, chills, muscle aches, weakness, malaise, or a combination of the above.
  - 3. Person states he or she has a transmissible respiratory disease or an infectious ATD case.
- (b) The department screening criteria below are appropriate for persons in custody with a known or suspected ATD. Screening may be performed at department facilities, or in the field prior to transport where feasible. The privacy of the person(s) must be maintained during screening procedures.

##### **1017.6.1 SCREENING A POTENTIAL TB CASE**

- (a) In addition to a cough lasting more than three weeks, an individual who has contracted TB may have one or more of the following additional symptoms:
  - 1. Unexplained weight loss (>5 lbs.)
  - 2. Night sweats
  - 3. Fever
  - 4. Chronic fatigue/malaise
  - 5. Coughing up blood
- (b) A person who has had a cough for more than three weeks and who has one of the other symptoms must be referred to a health care provider for further evaluation unless that person is already under treatment for TB. Consider referring a person with any of the above symptoms if there is no alternative explanation.

##### **1017.6.2 SCREENING FOR OTHER POTENTIAL ATD- RELATED CASES**

- (a) Other vaccine preventable ATDs, including pertussis ("whooping cough"), measles, mumps, rubella ("German measles"), and chicken pox, should be screened for. The following is a brief list of evaluated factors that should prompt referral to a health care provider for further evaluation when identified by the screening process:
  - 1. Severe coughing spasms, especially if persistent; coughing fits that interfere with eating, drinking, and breathing.
  - 2. Fever; headache; muscle aches; tiredness; poor appetite followed by painful, swollen salivary glands on one side or both sides of face under jaw.
  - 3. Fever, chills, cough, runny nose, watery eyes associated with onset of an unexplained rash (diffuse rash or blister-type skin rash).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

4. Fever, headache, stiff neck, possibly mental status changes.
- (b) Any person who exhibits any of the above-described findings and/or reports contact with individuals known to have any of these transmissible illnesses in the past two to four weeks should be promptly evaluated by a health care provider.
- (c) Health officials may periodically issue alerts for community outbreaks of other diseases. Local public health authorities will provide screening criteria which will be communicated by the ATD Administrator to all affected staff.

#### **1017.7 REFERRAL PROCEDURES**

The ATD Administrator and/or On-Duty Supervisor will be notified of a suspected ATD case requiring referral to a health care facility for further evaluation. If the ATD Administrator is not available, a designated department back-up will assume the responsibilities. If an exposure is believed to have occurred, an exposure investigation report should be completed and submitted through the Chain of Command.

#### **1017.8 SOURCE CONTROL AND TRANSMISSION REDUCTION PROCEDURES**

(a) The department will provide temporary control measures to protect employees during screening and during the period when a person requiring referral is waiting for transfer. These procedures apply inside department facilities as well as during field operations, where feasible.

##### **1017.8.1 SEPARATION AND MASKING OF POTENTIAL ATD SOURCE**

- (a) Move the person to a separate room or area. If a common area must be used, seat the person at least six feet away from others. While in the Police Department building, they will be placed alone in the booking area. Provide separate ventilation or HEPA filtration in the room or area where possible. Determine whether it is appropriate to offer the person awaiting transfer a surgical or procedure mask, paper towels and hand sanitizer, or hand washing facilities. The source control supplies are available from the equipment supply room. The person will be informed about the following police department controls (where feasible) to reduce the potential for disease transmission including:
  1. Covering coughs or sneezes with tissues and disposing of the tissues in provided covered receptacles.
  2. Offering hand washing facilities for use.
  3. Wearing provided surgical or procedure masks.
- (b) **Note: It is not necessary to offer a N95 respirator to the person awaiting transfer. A surgical or procedure mask is sufficient. Officers cannot insist on the use of source controls and must use judgment where the provision of alcohol-based hand sanitizers may be a security risk. Offering a surgical mask may not be advisable where the person is handcuffed or in respiratory distress.**

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

#### 1017.8.2 USE OF EMPLOYEE RESPIRATORY PROTECTION WHERE SOURCE CONTROLS ARE NOT PRACTICAL

- (a) Employees will use an N95 respirator to enter the room or work area where a known or suspected ATD case is awaiting transfer where source control procedures are not feasible, or the source is non-compliant with the controls (e.g., refuses or is unable to don a surgical or procedure mask). Employees should use frequent hand hygiene when coming in contact with infected individuals, contaminated surfaces or articles.
- (b) Cleaning and disinfection of the waiting area with required personal protective equipment will be performed following transfer of the person. (Authorized Cleaning Service). Respiratory protection use must be in compliance with the department's Respiratory Protection Program. The Police Department utilizes N95 particulate respirators for protection against potentially infectious aerosols. Supplies of the single use respirators are located in the equipment supply room and all patrol vehicles.

#### 1017.9 TRANSFER TO OTHER FACILITY OF SUSPECTED ATD CASES

- (a) Transfers will occur within five (5) hours of the identification of the known or suspected case. The ATD Administrator or the On-Duty Supervisor is responsible for determining if any of the following exceptions apply:
  - 1. If initial exposure to the known or suspected case occurs in the evening (after 3:30 p.m. and prior to 7 a.m.), the transfer must occur no later than 11:00 a.m. the following day; or
  - 2. If the transfer cannot occur within the 5-hour period, the ATD Administrator will document at the end of the 5-hour period that:
    - (a) The Police Department has contacted the local health officer and determined that there is no facility with an appropriate airborne infection isolation room or area available within that jurisdiction.
    - (b) Reasonable efforts have been made to contact establishments outside of that jurisdiction.
    - (c) All applicable measures recommended by a local health officer, infection control physician, or other licensed health care professional have been implemented.
    - (d) All employees who enter the room or area housing the individual are provided with and use personal protective equipment and N95 respiratory protection.

##### 1017.9.1 LOCAL HEALTH OFFICER CONTACT

(a) The local health officer contact information is provided below for known or suspected ATD cases that will require a period longer than five (5) hours to transfer to a health care facility:

<b>County Name:</b>	<b>San Diego County</b>
---------------------	-------------------------

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Aerosol Transmissible Diseases*

---

Health Officer's Name	On-Call Health Officer
Address:	3851 Rosecrans St, San Diego CA 92110
Phone:	(619)531-5800

### 1017.9.2 TRANSPORT BY EMERGENCY MEDICAL SERVICES

- (a) When feasible, contact Emergency Medical Services (EMS) to transport the known or suspected ATD case. This should be coordinated through dispatch.
- (b) Officers required to accompany the known or suspected ATD case in the ambulance shall use a N95 respiratory device. The N95 should be worn the duration of the contact, unless officer safety requires its removal.

### 1017.9.3 TRANSPORT IN DEPARTMENT VEHICLES (IF TRANSPORT BY EMS IS NOT POSSIBLE)

- (a) Officers involved in the transport of a known or suspected ATD case shall use a N95 respiratory device. The N95 should be worn the duration of the contact, unless officer safety requires its removal.
- (b) The officers will consider the duration of the transport operation, the signs and symptoms being exhibited, and any potential safety hazards presented by the use of an N95 respirator during the specific operation.

### 1017.10 CLEANING AND DISINFECTION PROCEDURES

- (a) The Police Department is required to ensure all contaminated work surfaces are cleaned and disinfected with an approved decontaminant after any exposure from a known or suspected or confirmed ATD case. Contaminated work surfaces include exposed areas at the police station, items (such as handcuffs) contacted by known or suspected ATD sources and all transport vehicles.

#### 1. **ATD Decontamination**

- (a) The preferred method used by the Carlsbad Police Department is to close the area/room/vehicle and have it cleaned by a commercial crime scene contractor. Exposed vehicles will be taken out of service until they are decontaminated.
- (b) The contract cleaning company for the police department is authorized by the ATD Administrator. Services may be requested through Dispatch. The cleaning protocol is stipulated in the business contract.

#### 2. **Emergency ATD Decontamination**

- (a) The approved cleaning and disinfecting materials, along with required personal protective equipment, must be available to employees.
- (b) At the Police Department, cleaning supplies are located in the equipment supply room.
- (c) Decontamination materials may be hazardous, please refer to the SDS.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

- (d) It is critical to apply the decontaminating agent in accordance with the manufacturer's instructions for concentration and contact time to ensure efficacy in removing the pathogens.

#### 3. **Routine Area Cleaning (Non-ATD Events)**

- (a) The booking area and restrooms are cleaned daily by City Staff. This includes the floors, walls as needed, toilet and sink areas.

#### **1017.11 COMMUNICATION PROCEDURES**

- (a) The ATD Administrator is responsible for communicating with department employees who have had contact with a known or suspected ATD case, or when another employer, local health authority, or health care provider notifies the department of a confirmed ATD case.
- (b) The ATD Administrator is also responsible for communicating the information to other employers involved in the exposure incident (e.g., fire department, emergency medical services, cleaning contractor etc.) to the extent that exposure information is available.
- (c) When a diagnosing health care facility reports an ATD case to their affiliated public health department, the department will receive notification of a confirmed case from the health care facility and/or the local public health officer. The ATD Administrator or the On-Duty Supervisor is responsible for implementing the following communication procedures upon notification:
  - 1. Receive feedback from the local health authority or the health care provider on the disease status of the ATD case. The local health authority will call dispatch. The information will be immediately forwarded to the On-Duty Supervisor. A Supervisor is on-duty 24 hours a day and available by both phone and radio. The On-Duty Supervisor will immediately notify the ATD Administrator by phone, who will respond to the department as necessary and immediately begin making the necessary notifications.
  - 2. **Immediately** contact other employers who had employees involved in the specific exposure incident, no later than 72 hours after receiving notification. (Note: This is a maximum timeframe and would not be considered appropriate for an illness such as meningitis where life threatening illness may develop within 48 hours. The department will adjust the timeframe depending on the nature of the specific illness and input from the local health officer.) The department will not provide the identity of the source patient to other employers.
  - 3. The department contact list for other employers likely to be involved in exposure incidents includes: Carlsbad Fire, **NorthComm**, and AMR.
  - 4. The respective contacts for these organizations are: the on-duty Fire Department Duty Officer (Battalion Chief), the AMR Supervisor via dispatch, and the on-duty nursing supervisor for each hospital.
  - 5. **Immediately** communicate with affected department employees about the confirmed ATD case and indicate that an exposure analysis is in progress with completion expected no later than 96 hours after receiving notification. (Note:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

This is a maximum timeframe and would not be considered appropriate for an illness such as meningitis where life threatening illness may develop within 48 hours. The department will adjust the timeframe depending on the nature of the specific illness and input from the local health officer.)

6. The affected employees would be notified via their respective supervisors. This notification would be confirmed by the Police Department ATD Administrator within an appropriate amount of time based on the urgency of the exposure. Employees should be notified in person or by phone if on-duty, and by phone if off-duty. If the situation warranted and they could not be reached by phone, local law enforcement would be asked to attempt to contact them at their homes.
7. Begin the analysis of the exposure incident and report the results to the affected employees within 72 hours after receiving notification except where the nature of the illness requires immediate action
8. Notify affected employees of the results of the analysis within 96 hours of receiving notification except where the nature of the illness requires immediate action. Refer employees with significant exposure for medical evaluation as soon as possible.

#### **1017.12 EXPOSURE ANALYSIS AND POST-EXPOSURE EVALUATION**

##### **(a) ATD Exposure Analysis**

1. Definition: An ATD exposure incident is an event where all of the following have occurred:
  - (a) An employee has been exposed to a person who is a known or suspected case of a reportable ATD.
  - (b) Source control and risk reduction measures were not present or utilized (N95).
  - (c) It reasonably appears from the circumstances of the exposure that transmission of the ATD is likely to require medical evaluation.
2. If an exposure incident as defined above occurs, the police department will take the following steps **within 72 hours after receiving notification except where the nature of the illness requires immediate action:**
  - (a) The ATD Administrator will conduct an analysis of the exposure scenario to determine which employees had significant exposures.
  - (b) The ATD Administrator will notify employees who had significant exposure of the date, time, and nature of the exposure. Reference section 11 – Communication.
  - (c) The ATD Administrator will determine if any other employer's employees have been exposed and notify that employer. Reference section 11 – Communication.

##### **(b) Post-Exposure Evaluation and Follow-up.**

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

1. In the event of an exposure incident, the ATD Administrator will provide a post-exposure medical evaluation, as soon as feasible, to all employees who have been evaluated as a result of the exposure analysis as having a significant exposure. All post-exposure evaluations will be performed through the City's Occupational Medical Program.
2. The ATD Administrator with assistance from Human Resources will provide the health care professional with the following information:
  - (a) A copy of CCR, Title 8; Section 5199. <https://www.dir.ca.gov/title8/5199.html>
  - (b) A description of the exposed employee's duties as they relate to the exposure incident.
  - (c) The circumstances under which the exposure incident occurred.
  - (d) Any available diagnostic information relating to the source of the exposure that could assist in the medical management of the employee.
  - (e) The Police Department's medical records for the exposed employee(s).
3. The Police Department will request the following information from the health care professional:
  - (a) An opinion regarding whether precautionary removal from the employee's regular assignment is necessary to prevent spread of the disease agent and what type of alternate work assignment may be provided.
  - (b) A written opinion from the health care professional limited to the following information:
    - (a) The employee's test and infectivity status.
    - (b) A statement that the employee has been informed of the results of the medical evaluation and has been offered any applicable vaccinations, prophylaxis, or treatment.
    - (c) A statement that the employee has been told about any medical conditions resulting from the exposure that require further evaluation or treatment.
    - (d) Any recommendations for precautionary removal from the employee's regular assignment.
    - (e) Any limitations on respirator use related to the medical condition of the employee or the working conditions in which the respirator will be used.
4. All other findings or diagnoses will remain confidential and will not be included in the written report.
5. The Police Department will obtain and provide the employee with a copy of the written opinion within 15 working days from the completed medical evaluation.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Aerosol Transmissible Diseases

---

#### 1017.13 MEDICAL SERVICES

##### (a) Vaccination Recommendations

1. The Police Department offers and recommends all employees in the identified job classifications in Section 4 receive the following vaccination at no cost to the employee.
2. If the employee declines to accept the vaccination, he or she must sign the Declination Statement and forward for required record keeping. Note: Seasonal influenza vaccine shall only be provided during the period designated by the CDC for administration and need not be provided outside of those periods

Vaccine	Schedule
Seasonal Influenza	One dose annually

##### (b) Latent Tuberculosis Infection (LTBI) Annual Test

1. All employees in the identified job classifications in Section 4 will be offered to receive annual TB testing. Employees with a positive baseline TB test shall have an annual symptom screen. If the employee's TB test indicates a conversion (a change in the TB test results from negative to positive) the police department will refer the employee to the City's Occupational Health Provider for further medical guidance.
2. In the case of a TB conversion, the department is responsible for following requirements in the standard:
  - (a) Provide a copy of the ATD Standard (8 CCR 5199) and the employee's TB test records to the health care provider.
  - (b) Complete an Exposure Investigation on the employee.
  - (c) If the department has determined the source of the infection, the department will also provide any available diagnostic test results including drug susceptibility patterns relating to the source patient.
  - (d) The department will request, with the employee's consent, that the health care provider perform any necessary diagnostic tests and inform the employee about appropriate treatment options.
  - (e) The department will request that the health care provider determine if the employee is a known or suspected TB case, and to do all the following:
    1. Inform employee and the local health officer in accordance with Title 17.
    2. Consult with the local health officer and inform the employer of any infection control recommendations related to the employee's activity in the workplace.
    3. Recommend whether precautionary removal from the employee's regular assignment is necessary to prevent the spread of disease by the employee and what type of alternate work assignment may be provided. The department will request the recommendation for

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

precautionary removal immediately via phone or fax, and that a written opinion within 15 days containing the information outlined in paragraph (h)(9) of the Standard.

3. In cases where the health care provider or local health officer recommends precautionary removal from regular job duties, the department will maintain the employee's earnings, seniority, and other employee rights and benefits, including the employee's right to his or her former job status, as if the employee had not been removed from his/her job. These provisions do not extend to any period during which the employee is unable to work for reasons other than precautionary removal.

#### **1017.14 TRAINING**

- (a) All employees with an occupational exposure will receive training:
  1. At the time of initial assignment to tasks where occupational exposure may occur and then at least annually thereafter.
  2. When changes such as introduction of new work practice controls or modification of tasks affect the employee's occupational exposure.
- (b) Training will be interactive and tailored to the education and language level of all potentially exposed police department employees. It will include the following:
  1. An explanation of ATDs, including the signs and symptoms that require further medical evaluation.
  2. Screening methods and referral procedures.
  3. Source control measures and how these measures will be communicated to persons the employees contact.
  4. Procedures for temporary risk reduction measures prior to transfer of suspected ATD case to another facility.
  5. Respiratory protection training.
  6. Review of the medical services provided.
  7. Exposure incident reporting procedures and communication procedures.
  8. Vaccine and TB testing information and education.
- (c) Location of written procedures (ATD Control Procedures and Personal Protective Devices (Respiratory Protection)) and how employees can provide feedback on the effectiveness of the procedures.
- (d) The training will be offered during the normal work shift and will include an opportunity for questions and answers with a person who is knowledgeable about the police department's exposures and ATD control procedures.
- (e) Training not given in person (e.g., web-based training or training videos) shall provide an opportunity for interactive questions to be answered by a knowledgeable person within 24 hours.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

#### **1017.15 RECORD KEEPING**

- (a) The ATD Administrator will maintain:
  - 1. Employee training records.
  - 2. Employee medical records (including vaccination records, declination forms, post-exposure medical evaluations).
  - 3. Exposure incident records (including the ATD Suspect Case Referral Log)
  - 4. Inspection, testing, and maintenance records for engineering controls.
  - 5. Respiratory Protection Program records per Title 8 CCR Section 5144.
  - 6. Department Respiratory Protection Program.
  - 7. Records of annual ATD procedures review.
- (b) Employee training records will include all the following information:
  - 1. The names and job titles of all persons attending the training sessions.
  - 2. The date(s) of the training session(s).
  - 3. The contents or a summary of the training session(s).
  - 4. The names and qualifications of persons conducting the training or those who are designated to respond to interactive questions.
- (c) Hard copy training records will be maintained for five years from the date on which the training occurred. Training records will be archived for the duration of employment plus thirty years following the five year period.
- (d) Employee medical records for each employee with an occupational exposure incident will include:
  - 1. The employee name and employee identification.
  - 2. The employee's vaccination status since employed with the Carlsbad Police Department. This includes dates of vaccinations, declination statements, and medical records relative to the employee's ability to receive vaccinations.
  - 3. A copy of examination results, medical testing, evaluation, and follow up of exposure incidents.
  - 4. A copy of all written opinions provided by the health care professionals as required and following an exposure incident and/or the results of TB assessments.
- (e) The City of Carlsbad will ensure employee medical records are kept confidential and are not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by the Standard and by law. Medical records are retained and coordinated by the Human Resources Department. Records will be maintained per Title 8, CCR, Section 3204, Access to Employee Exposure and Medical Records, and made available upon employee request. Medical records will be maintained for at least the duration of employment plus 30 years.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Aerosol Transmissible Diseases*

---

- (f) Engineering control records, if applicable, will be maintained for a minimum of five years and shall include the names and affiliations of the persons performing the test, inspection or maintenance, the date, and any significant findings or corrective actions.

#### **1017.16 ATD CONTROL PROCEDURES REVIEW**

- (a) An annual review of the ATD Control Procedures will be conducted by the ATD Administrator and by employees enrolled in the program regarding the effectiveness of the procedures in their respective work areas.
- (b) Deficiencies found will be corrected. The review(s) will be documented in writing and reviewed by the Chief of Police.

#### **1017.17 REVISIONS**

## Smoking Policy

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Carlsbad Police Department facilities or vehicles.

### 1018.2 POLICY

Smoking is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes inside department facilities and vehicles.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

### 1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any City facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.



---

# Personnel Complaints

## 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of the Carlsbad Police Department members. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or incidental contact of a member in the ordinary course of duty by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department member that, if true, would constitute a violation of department policy, federal, state, or local law. Inquiries about member conduct that, even if true, would not constitute a violation of department policy, federal, state, or local law, is NOT a personnel complaint. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

Personnel complaints shall be classified by the Watch Commander, lieutenant responsible for the work unit involved in the complaint, or the member receiving the complaint if at the rank of lieutenant or higher. If the complaint concerns the actions of a lieutenant or person of higher rank, the classification shall be conducted by a person of a higher rank than the person complained upon.

The classification of personnel complaints shall be in one of the following categories:

**Type I** - A matter in which an allegation against any department member, if true, would NOT reasonably result in punitive action. Punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

**Type II** - A matter in which an allegation against any department member, if true, could reasonably result in punitive action. Punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment (Government Code § 3303). If a complaint consists of several allegations, if any allegation would classify as a Type II complaint, the entire complaint should be classified as Type II.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Complaints*

---

#### **1020.2 POLICY**

The Carlsbad Police Department takes seriously all complaints regarding the service provided by the department and the conduct of its members. The department will accept and address all misconduct complaints per this policy and applicable federal, state, and local law, municipal, and county rules and the requirements of any collective bargaining agreements. It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

##### **1020.2.1 SOURCE OF COMPLAINTS**

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee.
- (c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided, consistent with this policy.

##### **1020.2.2 COMPLAINT FORMS**

Personnel complaint forms will be maintained in a visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

##### **1020.2.3 ACCEPTANCE OF COMPLAINTS**

All department employees shall accept a complaint regarding a department member. If feasible under the circumstances, a complainant should be referred to a supervisor to accept a complaint. If a supervisor is not reasonably available, the employee shall accept the complaint and forward the complaint to a supervisor.

##### **1020.2.4 SUPERVISOR RESPONSIBILITIES**

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Complaints*

---

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any complaint, proper documentation is completed as provided in policy 1020.2.5.
- (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor may orally report the matter to the Chief of Police or Assistant Chief, who will initiate appropriate action.
- (c) Responding to all complainants courteously and professionally.
- (d) Properly securing or recovering any evidence and/or statements that may reasonably be expected to be lost if immediate action is not taken by the supervisor.
- (e) Notifying Human Resources in writing of the receipt of a complaint which is subject to City of Carlsbad Administrative Order 45, Respectful Workplace and Non-Discrimination Policy, and of the disposition. Investigations into complaints subject to Administrative Order 45 will be conducted by the Police Department or as directed by the Chief of Police or Assistant Chief.

#### 1020.2.5 COMPLAINT DOCUMENTATION

**Type I Complaint-** Type I complaints may be handled informally by a supervisor. This may include providing counseling or direction, training, or other response as deemed appropriate by the supervisor and Watch Commander, or responsible lieutenant.

A Complaint Summary form will be completed by the supervisor receiving the complaint. The Watch Commander and or responsible lieutenant will classify the complaint as a Type I. A Complaint incident number should be obtained from Professional Standards and Services Bureau (PSSB). PSSB should capture and log the date the complaint was filed, involved department personnel, supervisor handling the disposition of the complaint, and the approving Watch Commander, or responsible lieutenant, and a description of the action taken.

The Watch Commander, or responsible lieutenant, shall promptly notify the appropriate Bureau Captain of any Type I complaint and disposition, and ensure that the complainant is advised that the complaint has been addressed.

**Type II Complaint-** Type II complaints of alleged misconduct shall be documented by a supervisor on a Complaint Summary form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. The Complaint Summary form will be reviewed by the Watch Commander, or responsible lieutenant and classified as a Type II complaint.

When a complaint is filed in person, when possible, the complainant should legibly write a detailed narrative of their complaint. If circumstances indicate that this is not feasible, the complaint may be

## *Personnel Complaints*

---

dictated to the receiving supervisor. The receiving supervisor shall record the statement obtained from the reporting party. However, a refusal by a party to be recorded shall not be grounds to refuse to accept a complaint.

When feasible, the complainant shall be provided a copy of his or her own statements at the time the complaint is filed per Penal Code § 832.7(c).

The Complaint Summary form shall be completed and forwarded to PSSB via the chain of command, to include the appropriate Bureau Captain, by the end of the shift for the reporting supervisor.

### **1020.3 TYPE II COMPLAINT INVESTIGATIONS**

A Type II complaint shall be presented to the Chief of Police and/or Assistant Chief for direction. Upon review of the filed complaint and surrounding circumstances, the Chief of Police and/or Assistant Chief shall provide direction in writing on how to resolve the complaint. The direction may include:

- (a) Request a formal investigation of the allegations
- (b) Request informal handling of the allegations to potentially include counseling, additional training, policy instruction or other reasonable disposition of the allegations
- (c) A combination of a formal investigation of a/some allegations and informal handling of a/some allegations

This written direction by the Chief of Police and/or Assistant Chief shall be retained in the internal affairs case file for the incident. When informal handling is directed, the assigned supervisor shall request PSSB to assign a Complaint incident number.

#### **1020.3.1 TYPE II FORMAL ADMINISTRATIVE INVESTIGATIONS**

Upon direction of the Chief of Police or Assistant Chief, Type II complaints will be administratively investigated as follows. The PSSB Lieutenant shall ensure that a specific person is assigned to conduct the investigation, and that both a Complaint incident number and IA case number are assigned to Type II complaints.

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).

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Complaints*

---

#### 1020.3.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on duty. If the member is off-duty, they shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Carlsbad Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Before any interview, a member shall be informed of the nature of the investigation, the name and rank of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period, and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member, may be provided to anyone involved in conducting the criminal investigation or to any prosecutor, absent a valid court order.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided before any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups before being interviewed.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Complaints*

---

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation. (Cal. Gov. Code § 3307).

(l) If an investigation discloses misconduct or improper job performance not alleged in the original complaint, the investigator shall take appropriate action about any additional allegations.

#### 1020.3.3 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The PSSB Lieutenant will ensure that the complainant is provided written acknowledgment of the receipt of the personnel complaint and advise the complainant in writing when the personnel investigation has been completed.

#### 1020.4 DISPOSITION OF PERSONNEL COMPLAINTS

All completed personnel Type II investigations shall be forwarded to the PSSB Lieutenant for approval. Approved investigations shall be forwarded to the involved employee's Bureau Captain, or other person at the direction of the Chief or Assistant Chief, for review and determination of findings. The involved employee's Bureau Captain, or assigned person, will conduct findings for the alleged policy violation(s) and prepare a report for the Assistant Chief.

Each allegation of a Type I or Type II complaint shall be classified with one of the following findings:

**Unfounded** - When the investigation clearly established that the allegation is not true. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

**Exonerated** - When the investigation clearly establishes that the actions of the officer that formed the basis for the complaint are not violations of law or department policy.

**Not Sustained** - When the investigation discloses insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation clearly established that the act occurred and constituted a violation of department policy, federal, state, or local law.

The Assistant Chief will have the responsibility to implement and/or recommend disposition, including discipline for Type II complaints, if determined appropriate by the Assistant Chief, per each employee's applicable Memorandum of Understanding. The Assistant Chief will notify the employee of the disposition and discipline if indicated.

All completed investigations of Type I and Type II complaints shall be forwarded to the PSSB Lieutenant who shall maintain sustained complaints in the employee's department personnel file.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Complaints*

---

All complaints classified as unfounded, exonerated or not sustained shall be retained by the PSSB apart from the employee's personnel file. (Penal Code § 832.5).

Type I sustained complaints may be documented in writing in the evaluation file of the involved member(s) and incorporated into the member's next evaluation as deemed appropriate by the evaluating supervisor.

Any comment adverse to a member's interest entered in his/her personnel file, or any other file used for any personnel purposes, to include an evaluation file may only be entered after the member having first read and signed the instrument containing the adverse comment indicating he/she is aware of such comment. If after reading such instrument the member refuses to sign it, that fact shall be noted on that document, and signed or initialed by the supervisor (Cal. Gov. Code 3305). A member shall have 30 days within which to file a written response to any adverse comment entered in his/her personnel file. Such written response shall be attached to, and shall accompany, the adverse comment (Cal. Gov. Code 3306).

#### **1020.5 AVAILABILITY OF WRITTEN PROCEDURES**

The department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

#### **1020.6 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave pending completion of the investigation or the filing of administrative charges. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

Details pertaining to the reason a member of the department was assigned to administrative leave are confidential and shall not be disclosed to unauthorized personnel (pursuant to Penal Code section 832.7 and Policy Manual section 1026). Departmental notification (email, written memo, etc.) that an employee has been placed on administrative leave shall only be made by the Chief of Police or an authorized designee.

## *Personnel Complaints*

---

### **1020.7 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.

If an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All complaints and any reports or findings related to those complaints, shall be retained for a period of no less than five years where there was not a sustained finding of misconduct and for not less than 15 years where there was a sustained finding of misconduct. (Penal Code § 832.5).

### **1020.8 REQUIRED REPORTING TO POST**

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9.
- (b) Events that could affect an officer's POST certification, such as:
  - 1. Complaints, charges, or allegations of misconduct
  - 2. Findings of civilian review boards
  - 3. Final dispositions of any investigations
  - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Carlsbad Police Department based on allegations of conduct by an officer

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).



Carlsbad Police Department  
Carlsbad PD Policy Manual

*Personnel Complaints*

---

## Law Suits Against Department Personnel

### 1021.1 PURPOSE AND SCOPE

It is the intent of this directive to establish clear guidelines for police personnel to follow when a claim, suit, or legal action is filed against the person for any action arising out of the person's official duties. These guidelines should be followed at all times to ensure an adequate and timely defense of the action for the City and the employee.

- (a) Any member of the Carlsbad Police Department served with papers indicating that a claim, suit, or legal action against the City or any of its personnel is or will be pursued for any activity arising out of the official activities of the department or any of its personnel will, as soon as reasonably practical, notify the Chief of Police of the claim, suit, or legal action and provide copies of all papers and documents received or served.
- (b) The Chief of Police or his/her designee will, as soon as reasonably practical, notify the City Attorney of the claim, suit, or legal action and provide all necessary documents.
- (c) Employees that find themselves answering questions regarding specific incidents should be mindful the person asking the questions maybe collecting information for a claim and/or law suit. When the questions go beyond general curiosity or are directed to obtain an opinion, evaluation or documentation of an incident, employees should courteously direct the person asking the questions to the City Attorney's Office.

## 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.

#### 1022.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

### 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.

### 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Seat Belts*

---

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 Carlsbad 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 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 Carlsbad 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 Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Carlsbad Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration 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 armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

## *Body Armor*

---

### 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 Records

### 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 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).
  - 2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Records*

---

not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **1026.4 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

#### **1026.5 TRAINING FILE**

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

##### **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 express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

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



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Personnel Records*

---

false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

### **1026.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit 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 Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

### **1026.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

#### **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 maintained in accordance to the City of Carlsbad Records Retention Schedule of 5 years for personnel evaluations.
- (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 Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
  - 2. The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Personnel Records

---

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 evaluation 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 evaluation 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 EVALUATION FILE

The Evaluation File should contain, but is not limited to, the following:

- (a) Commendations, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
  2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Personnel Records

---

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 evaluation file.

#### 1026.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit 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 Unit. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
  1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
  2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files 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 Professional Standards and Support 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 Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the 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:

- (a) Materials relating to medical leaves of absence.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Records*

---

- (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.

This file shall be maintained in the City of Carlsbad Human Resources Department.

#### **1026.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

#### **1026.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### Personnel Records

---

department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by an officer.
  2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
- (b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:
  1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
  2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

#### **1026.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personnel Records*

---

from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

#### **1026.11 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

## Request for Change of Assignment

### 1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### 1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memorandum of interest for the specific assignment. The form should then be forwarded through the chain of command to their Division 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.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1<sup>st</sup> of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

### 1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Watch Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

---

# Funeral Protocol

## 1029.1 PURPOSE AND SCOPE

Although there are no set formulas, checklists or policies that will lessen the grief nor eliminate the immediate chaotic nature of a line of duty death, this policy is intended to help mitigate the grief, restore some sense of control and most of all assist in honoring the one who died.

In all aspects of this policy, the need and ability of the Chief of Police to exercise discretion is understood. The Chief of Police is always at liberty to make whatever decisions are in the best interest of the Department.

It is assumed that any decedent, subject to the provisions of this policy was NOT involved in criminal conduct at the time of death.

### 1029.1.1 NOTIFICATION

The notification of department staff is guided by policy 358.

## 1029.2 CLASSIFICATION OF DECEDENTS

**SWORN:** those sworn to enforce laws, including Reserves and Retired Annuitant Police Officers;

**CIVILIAN:** all other employees, including community service officers, dispatchers, records personnel, latent print and evidence specialists, non-sworn support staff, and volunteers;

**RETIRED:** honorably retired sworn personnel on service or disability pensions;

**SEPARATED:** those who have left the employ of the agency and whose welfare and whereabouts are of general interest to the agency or other government employees;

**IMMEDIATE FAMILY MEMBERS:** spouse, children, parents, siblings of all employee classifications.

## 1029.3 CLASSIFICATIONS OF EVENTS

**Category I:** Death of a sworn employee that is the proximate result of a traumatic injury sustained in the line of duty;

**Category II:** Death of a sworn employee in any other manner;

**Category III:** Death of a civilian employee;

**Category IV:** Death of a retired or separated employee;

**Category V:** Death of an employee's family member.

## 1029.4 FUNERAL PROTOCOLS

**Category I (Full Honors):** A Category I death is a public event that denotes full, military-style, ceremonial honors and no effort should be spared that is consistent with tradition, good taste and the wishes of the immediate next of kin. Family members should be advised that a funeral with "full honors" will take considerable time to properly conduct. It will usually consist of a religious



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Funeral Protocol*

---

ceremony in accordance with the family's faith group, and a graveside ceremony that will require an extended wait for all elements, dignitaries and attendees to be in place before it can begin.

### HONORS, Defined

There are two levels of HONORS for the purposes of this order.

Honors: Honors is comprised of an Honor Guard conducting a 21 gun salute, ceremonial flag folding and TAPS.

Full Honors: Full Honors is comprised of the Honors elements plus aircraft flyovers and equestrian elements.

Notes: Bagpipers and the release of birds are non-official funeral elements and in all cases are included at the request of the decedent's family.

The only Honors element appropriate for a non-sworn funeral is the static presence of an Honor Guard. In all cases a pre-folded flag may be placed on the casket and presented to the family.

Category II (Honors): A Category II death is reserved for personnel whose death is not the result of a traumatic, duty-related event. A Category II funeral may be a public event depending on the circumstances.

Category III: A Category III funeral is a non-public event with limited Department involvement. The protocol (if requested) for a Category III funeral should be restricted to a motor escort, a static Honor Guard and the attendance policy identified by the Chief of Police.

Category IV: A Category IV funeral is an informational matter addressed through the publication of a Death and Funeral Notice. The protocol (if requested) for a Category IV funeral should be restricted to a static Honor Guard and the attendance policy identified by the Chief of Police.

Category V: A Category V funeral is an informational matter addressed through publication of an internal Death and Funeral Notice when requested by the involved family. The protocol (if requested) for a Category V funeral should be restricted to the attendance policy identified by the Chief of Police.

### **1029.5 FUNERAL SCHEDULING, PLANNING, AND CONDUCTING**

The ideal planning schedule is 7 days. If religious beliefs require an immediate burial and funeral service-this should be done. Honors can be provided at graveside. A Police memorial service can be several days later. Weekends and holidays may change the schedule-consider going later rather than sooner.

#### 1029.5.1 SCHEDULING

The following funeral scheduling plan is set as a guide for the scheduling of a law enforcement funeral. This plan may need to be modified due to specific requirements of each incident.

- Day 0 Day of Death

Strategic planning team meets

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Funeral Protocol*

---

Basic planning begins

- Days 1 through 4

Planning continues for Personnel, Logistics, Traffic, Religious services, and Honors ceremonies

- Day 5 (Morning) Walkthrough of service
- Day 5 (Evening) Viewing and/or Vigil service
- Day 6 Funeral and honors ceremony
- Day 7 Day after debriefing

Critically review operations plan

Planning team group debriefing

### 1029.5.2 PLANNING AND CONDUCTING A FUNERAL

In the event that a funeral is needed to be planned and conducted, the Chief of Police or his designee should: 1) Employ the Incident Command System (ICS) to manage the event, and 2) Designate an Incident Commander (IC) with decision making authority.

The IC should announce a planning meeting and activate the following positions, if necessary some of these positions and/or their support staff may need to be staffed by the same person or by representatives from outside agencies:

- 1) Command Liaison Officer (CLO)
- 2) Public Information Officer (PIO)
- 3) Family Liaison Officer (FLO)
- 4) Operations Section Chief (OSC)
- 5) Planning and Intelligence Section Chief (PISC)
- 6) Logistics Section Chief (LSC)
- 7) Traffic Group Leader (TGL)
- 8) Ceremonies Group Leader (CGL)
- 9) POA Liaison (POA) and Peer Support Team Liaison (PST)

Optional Special Ceremonial Element Roles: Master of Ceremonies, Honor Guard / Color Guard, Pallbearers, Bugler and Piper, Rifle Squad, Flyover Squadron, and Equestrian Squadron (Rider less Horse).

### 1029.5.3 POSITION DESCRIPTIONS AND RESPONSIBILITIES

**Command Liaison Officer:** The CLO is assigned directly to the Incident Commander and is the initial point of contact for all outside agencies, dignitaries and VIPS. The CLO should:

Facilitate the attendance of such persons;

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Funeral Protocol*

---

Advise such persons to make direct contact with the CLO upon arrival;

Document the attendance of such persons and the size of their delegations;

Ensure that the level of participation and visibility of such delegations is commensurate with the office represented;

With prior clearance of the FLO, allow VIPs to personally express their condolences to the decedent's family on the day of the funeral;

Maintain a journal of all activities;

Submit all records of the attendance of such persons and delegations to the PISC prior to the incident debriefing.

**Public Information Officer** : The PIO is assigned to the Incident Commander and is the point of contact for all media outlets. The PIO should:

Confer with the FLO regarding the completion of the Critical Injury / Death and Funeral Notice;

Prepare a press release regarding the death of the employee and the subsequent ceremonial arrangements;

Compose a brief biographical history of the deceased employee;

Maintain a journal of all activities;

Submit all documents to the Planning and Intelligence Section prior to the debriefing.

**Family Liaison Officer** : The FLO is a person chosen by the decedent's next of kin as the primary point of contact for the family on all matters relating to the death and funeral of the employee. Ideally all contact with the family should be through this person. This is the most critical role in the Incident Command structure. It requires one of strong character who has a close bond with the family (it may or may not be a current employee, POA member or Peer Support Team member.) The importance of finding the right person for this position outweighs any other issues that may arise. The FLO should:

Be with the decedents family as much as possible during the funeral period;

Maintain routine contact with the Incident Commander;

Ensure that the family's wishes relating to the funeral are communicated to the Incident Commander;

Be a conduit for all incoming and outgoing family communication;

Attend all planning meetings;

Maintain a journal of all activities;

Communicate the family's wishes on all matters directly to the mortuary, through the funeral director;

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Funeral Protocol*

---

If circumstances permit, arrange a visit, before the funeral, between the family and the Command Staff of the Department;

Submit the journal to the Planning and Intelligence Section prior to the debrief;

Attend the incident debriefing.

**Operations Section Chief** : The OSC will oversee the various facets of the funeral preparation and execution on behalf of the Incident Commander. The OSC should:

Maintain contact with all activated segments of the Incident Command structure;

Attend all planning meetings;

Appoint a Mortuary Liaison to discharge the duties listed on the Mortuary Liaison Checklist, see policy 1029.6.1;

Appoint a House of Worship Liaison to discharge the duties listed on the House of Worship Checklist, see policy 1029.6.2;

Appoint a Cemetery Liaison to discharge the duties listed on the Cemetery Liaison Checklist, see policy 1029.6.3;

Exercise functional supervision over the progression of all funeral related events;

Ensure that bomb sweeps are conducted at all venues prior to the arrival of personnel;

Ensure that Special Response Team (SWAT) personnel are deployed at all venues prior to the arrival of personnel;

Change and re-direct the Incident Action Plan as necessary;

Maintain a journal of all activities;

Submit the journal to the Planning and Intelligence Section prior to the debrief;

Attend the incident debriefing.

**Planning and Intelligence Section Chief** : The PISC will oversee the conducting of all planning meetings, maintain all records and documentation and coordinate the participation of elements from within and without the Department that will be contributing technical expertise to the proceedings. The PISC should:

Announce and conduct an initial planning meeting;

In conjunction with the Operations Section, identify an Operational Period;

Compose a written Action Plan that allows sufficient time for all organizational components to complete assigned duties;

Conduct a site survey at the house of worship and the cemetery with SWAT and produce a security plan to include site and VIP protection;

Establish and maintain contact with:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Funeral Protocol*

---

- o The religious leader identified by the FLO;
- o The Funeral Director;
- o The Human Resources Benefits Counselor;
- o The Department Peer Support Consultant;
- o A photographer for both venues the day of the funeral;
- o An audio/video expert for the church and graveside ceremonies;
- o Maintain a journal of all activities;
- o Maintain copies of all written plans, diagrams, maps, etc.;
- o Handle all correspondence;
- o Monitor the weather;
- o Collect and archive all journals, notes and documents;
- o Conduct the incident debriefing;
- o Prepare an after-action report.

**Logistics Section Chief** : The LSC is responsible for site security at all venues, the provision of all necessary supplies, procurement of certain key personnel and apparatus, operating a transportation detail to assist arriving and departing personnel, and assisting the family with the post-funeral reception. The LSC should as needed:

- Arrange for the deployment of a tow truck at both venues the day of the funeral;
- Arrange for the deployment of a rescue ambulance at both venues the day of the funeral;
- Arrange for the deployment of portable toilets at all venues the day of the funeral;
- Arrange for the deployment of a catering truck at a suitable location the day of the funeral;
- Arrange for a canopy and sufficient chairs for the family at the cemetery;
- Arrange and supervise a transportation detail to assist persons attending from distant locales;
- Assist the TGS and CGS with obtaining all equipment and supplies necessary for the event;
- With concurrence of the FLO assist the family with a post-funeral reception;
- Ensure that all equipment and supplies are returned after the event;
- Maintain a journal of all activities;
- Submit the journal to the Planning and Intelligence Section prior to the debrief;
- Attend the incident debriefing.

**Traffic Group Supervisor** : Under the direction of the Operations Section it is the responsibility of the TGS to plan and coordinate all traffic related elements the day of the funeral. The TGS should:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Funeral Protocol*

---

Attend all planning meetings;

Diagram the parking facilities at the house of worship and the cemetery;

Contact (through the CLO) all other jurisdictions that may be impacted during the funeral procession;

Formulate a motorcade and parking plan for all venues;

Obtain all items required to accomplish the Traffic Group mission (cones, delineators, barricades, flares, etc.);

Submit all plans and related documentation to the PISC as directed;

Maintain a journal of all activities;

Attend the incident debriefing.

**Ceremonies Group Leader** : Under the direction of the Operations Section it is the responsibility of the CGL to research, plan and execute all funeral related ceremonies. The CGL should:

Establish a Church Ceremonies Team and designate a team leader;

Establish a Cemetery Ceremonies team and designate a team leader;

Meet the Funeral Director, the Cemetery Curator, the FLO and the religious leader at the cemetery well in advance of the internment and choreograph the graveside ceremonies;

Ensure that the Master of Ceremonies is staffed by someone that is well versed in all facets of the program;

Obtain a casket flag and white gloves;

Confer with the FLO to ensure that the ceremony is planned in accordance with the wishes of the next of kin;

Confer with the FLO to ensure that the location of the grave is satisfactory to the next of kin;

Maintain contact with all involved parties for both ceremonies to include:

- o Honor Guard and Color Guard;

- o Pallbearers;

- o Piper and Bugler;

- o Aerial squadron for flyover;

- o Equestrian Squadron;

- o Rifle Squad;

Conduct dress rehearsals with all involved parties at both venues;

Create a house of worship and cemetery plan/diagram;

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Funeral Protocol*

---

Confer with the TGS to ensure that arriving personnel are positioned in accordance with the parking plan;

Ensure that all vehicles belonging to members of the ceremonial groups are positioned for rapid departure from the house of worship, to the cemetery, well in advance of the funeral motorcade;

Oversee the conduct of the funeral services.

#### **POA Liaison / Peer Support Team Liaison :**

Assist the FLO and the decedents family with matters related to the death such as benefits, insurance, policies, personal documentation, costs, etc.;

Attend all planning meetings;

Assist with funeral planning and arrangements.

#### **1029.6 MORTUARY, HOUSE OF WORSHIP, AND CEMETARY CHECKLISTS**

The following checklists should be available to the Incident Commander and his assigned personnel to assist in the performance of their duties while scheduling, planning, and conducting law enforcement funerals.

##### **1029.6.1 MORTUARY LIAISON CHECKLIST**

In conjunction with the Family Liaison Officer and the family, identify the mortuary of preference.

Record the exact name, address, telephone number and person to be contacted at the mortuary. The contact person should be one with decision making authority who should, as the primary point of contact, be available for all-hours contact for the duration of the event.

Schedule a meeting at the mortuary with the immediate next of kin, Family Liaison Officer, Mortuary Liaison Officer, POA Liaison and the Funeral Director, to obtain first hand information regarding available services. The wishes of the next of kin regarding preparation of the body, i.e. open casket, religious symbols or personal keepsakes to be enclosed with the body at burial, etc. will be addressed at this meeting.

With the concurrence of the next of kin, establish a viewing or prayer service schedule and inform the Officer in Charge of the Honor Guard of the date, place, and time.

Coordinate with the Funeral Director for provision of limousines for the family on the day of the funeral.

Verify that the mortuary will coordinate memorial folders, thank you cards, photographs, video, floral arrangements and the memorial book.

The mortuary expects the family to provide:

- o Social Security Number
- o DD214 for honorably discharged veterans
- o Clothing for burial

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Funeral Protocol*

---

- o A list of pallbearers
- o A photograph of the decedent
- o Their identified preference for a cemetery plot

Update the Operations Section Chief as necessary.

### 1029.6.2 HOUSE OF WORSHIP CHECKLIST

Determine (through the Family Liaison Officer) the religious affiliation of the decedent and family.

Determine (through the Family Liaison Officer) the exact name, address and telephone number for the house of worship preferred by the family.

Contact the leader of the congregation and determine the seating capacity of the facility.

Obtain a floor plan of the facility and a diagram of available parking.

Meet with the leader of the congregation and compose a detailed list of the items or issues the Department is expected to handle, and a detailed outline of how the service is expected to evolve.

Solicit the recommendations of the leader of the congregation for family and VIP seating.

Set a tentative date and time for the service. Do not make a commitment. (Autopsies or other facets of the investigation may delay the release of the remains.)

Prepare to brief the Incident Command Staff at the scheduled planning meeting.

Advise the leader of the congregation that a Master of Ceremonies must be provided to choreograph all aspects of the worship service.

Arrange for a dress rehearsal for all who will be participating in the worship service (Ushers, Pall Bearers, Honor Guard, etc.)

Consult with the Traffic Group Leader about the parking layout at the house of worship.

Update the Operations Section Chief as necessary.

### 1029.6.3 CEMETERY LIAISON CHECKLIST

Verify with cemetery personnel that no other burials are scheduled during the period that the police ceremonies are to occur.

Obtain a map of the facility.

Consult with the Cemetery Manager regarding recommendations for a traffic plan for a long procession.

Consult with the Traffic Group Leader about the parking layout for the cemetery.

In conjunction with the Ceremonies Group Leader, formulate a plan for a large formation of uniformed and plain clothes police personnel.



# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Funeral Protocol*

---

Maintain contact with the Planning and Intelligence Section Chief which is responsible for monitoring the weather. Remain current on the status of the weather. The cemetery will need to arrange for shelters if necessary.

Update the Operations Section Chief as necessary.

---

## Commendations and Awards

### 1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Carlsbad Police Department and individuals from the community.

### 1030.2 POLICY

It is the policy of the Carlsbad Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1030.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1030.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### 1030.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1030.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Commendations and Awards*

---

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1030.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

#### **1030.5 AWARDS**

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

---

## Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

### 1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Fitness for Duty*

---

#### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

#### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police or his/her designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Humna 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 (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Fitness for Duty*

---

regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

##### **1032.7.1 STAND-BY DUTY ASSIGNMENT PROTOCOL**

The purpose of this directive is to establish department protocol and to delineate employee responsibilities when they are assigned to stand-by duty.

- (a) "Stand-by time" is defined in the MOU between the City and the CPOA as "time in which an employee is required, by the Police Chief or designee, to remain at his/her residence or be at a place where the employee can be reached by phone and have a thirty minute response capability so that he/she may immediately respond to any calls received".
- (b) Employees are compensated for stand-by time at the rate prescribed in Article 11 of the MOU.
- (c) Standby time is documented on the time cards with code 233, using a "1" for each day of stand-by assigned.
- (d) While on stand-by, employees are prohibited from consumption of alcohol or any substance which would make them unfit to respond and perform their assigned duties.
- (e) Employees who are on stand-by and are called to perform work will be compensated for all actual hours worked in accordance with established overtime and call-back rules.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Fitness for Duty*

---

- (f) If a call-back impacts an employee's regular duty schedule, the affected employee will be allowed to adjust their schedule or utilize leave time to provide for an 8-hour recovery period, as defined in policy 1032.7, prior to returning to regular duty.

#### 1032.7.2 INVESTIGATIONS AND TRAFFIC DIVISION PROTOCOL

- (a) Investigations Division and Traffic Division personnel are scheduled for stand-by duty on a rotational basis.
- (b) Each employee is responsible for stand-by coverage during their scheduled duty time. Trades may be worked out among co-workers, with supervisor approval. All approved changes must be documented on the stand-by assignment sheet.
- (c) If any employee is unable to fulfill any portion their stand-by assignment due to illness or other emergency it is the employee's responsibility to notify their supervisor as soon as possible so that an alternate may be assigned.

#### 1032.7.3 COMMUNICATIONS DIVISION PROTOCOL

- (a) Communications personnel sign up for stand-by duty based upon their rank and seniority within the division. If problems or conflicts arise for sign-up, employees will be scheduled for specific stand-by time by dispatch supervision.
- (b) Each employee is responsible for stand-by coverage during their scheduled duty time. Trades may be worked out among co-workers, with supervisor approval. All approved changes must be documented on the stand-by assignment sheet.
- (c) Communications stand-by will start for the employee's assigned block after they have been off duty for a minimum of eight (8) hours. Stand-by coverage will end when the employee returns to their regular duty shift.
- (d) If any employee is unable to fulfill any portion of their stand-by assignment due to illness or other emergency it is the employee's responsibility to notify their supervision as soon as possible so that an alternate may be assigned.

#### **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

Uniformed personnel 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 personnel shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.



---

## 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 (Labor Code § 1034).

### 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; 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; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 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; 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.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Lactation Break Policy*

---

### **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.

#### **1035.5.1 STATE REQUIREMENTS**

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

---

## Payroll Records

### 1036.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

#### 1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible during every scheduled work day for the accurate and timely submission of payroll records for their own TeleStaff records for the payment of wages.

#### 1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Thursday with certain exceptions such as holidays. TeleStaff records shall be completed by each employee daily, and submitted no later than 0600 hours on the first day of a new pay period (Monday), unless specified otherwise. All supervisors are responsible for daily TeleStaff approval, and shall have reviewed, corrected and approved all of their subordinate's TeleStaff records before 0900 hours on the first day of the new pay period (Monday).

### 1036.2 LEAVE TRAINING AND SCHEDULE CHANGES

Vacation and comp requests are to be submitted and approved in TeleStaff in accordance with the terms of the applicable MOU for the employee. Other types of planned schedule changes (training classes, details, planned overtime, etc.) are to be entered and approved in TeleStaff prior to the planned occurrence, preferably at least two weeks in advance or as soon as reasonably possible. Any unplanned schedule changes will be entered and approved in TeleStaff as soon as reasonably possible.

### 1036.3 EMPLOYEE SHIFT TRADE

The practice of shift trading shall be voluntary on behalf of each employee involved in the trade and must be approved in advance by the affected supervisor. The trade must be due to the employee's desire or need to attend to a personal matter and not due to departmental operations. The employee providing the trade shall not have his/her compensable hours increased as a result of the trade; nor shall the employee receiving the trade have his/her compensable hours decreased as a result of the trade. Any premium pay or other extra compensation will be waived for both individuals during the period they work for the other. Any hours worked beyond the normal work day will be credited to the individual actually doing the work.

"Paybacks" of shift trades are the obligation of the two employees involved in the trade and shall be completed within the same pay period. Any dispute as to paybacks are to be resolved by the involved employees, and under no circumstances will the department be obligated for any further compensation whatsoever to any of the involved employees. The department is not responsible

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Payroll Records*

---

in any manner for hours owed to employees by other employees that leave the employment of the City or are assigned other duties.

If an individual fails to appear for their supervisor approved trade shift, the person who is scheduled to work will be listed as absent without leave and may be subject to disciplinary action.

All shift trades will be documented in TeleStaff with proper work codes and must be approved in TeleStaff by the affected supervisor.

#### **1036.4 TIME REQUIREMENTS**

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

#### **1036.5 RESPONSIBILITIES**

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

#### **1036.6 POLICY**

The Carlsbad Police Department maintains timely and accurate payroll records.

# Outside Employment

## 1040.1 PURPOSE AND SCOPE

The purpose of this policy is to assure compliance with state law and City personnel rules as they relate to conflicts between duties to the department and outside employment.

### 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 obtain an application from the Human Resources Department. The employee must then complete the application and submit the application to the Chief of Police for consideration.

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.

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

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Outside Employment*

---

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

##### **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

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Outside Employment*

---

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.

### **1040.4 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

## *Outside Employment*

---

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:

- (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 Carlsbad Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.



---

# Occupational Disease and Work-Related Injury Reporting

## 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

## 1042.2 POLICY

The Carlsbad Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

### 1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and illnesses requiring medical care must be reported to the Human Resources Department in order to coordinate the claim process.

### 1042.2.2 ACCIDENT DEFINED

**Accident** - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

### 1042.2.3 EMPLOYEE'S RESPONSIBILITY

Employees sustaining any work-related injury or illness shall report such injury or illness as soon as practical to his/her supervisor and complete a City of Carlsbad Employee's Injury/Illness Report. If seeking medical attention, complete the Worker's Compensation Claim form (DWC-1). If you decline medical attention, complete the declination section on the Employee Injury/Illness Report. Submit the completed forms to your supervisor. If you need medical attention at a later date, notify your supervisor as soon as reasonably possible.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury that requires relief from duty is required to be examined/treated by a doctor.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee shall provide his/her supervisor with the Work Status Report/Doctor's Report after each medical visit, update, or modification of medical status.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Occupational Disease and Work-Related Injury Reporting*

---

#### 1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury/illness shall promptly provide the employee with the appropriate forms as outlined under Policy Manual § 1042.2. Forms provided by Human Resources are kept in the report writing room and on the city's Intranet.

Supervisors shall also complete a Supervisor's injury/Illness Report, to document any employee injury/illness.

For work-related injuries not requiring professional medical care, an Employee's Injury/Illness Report and a Supervisor's Injury/Illness Report shall be completed.

When an injury/illness is reported initially on the Supervisor's Injury/Illness Report and the employee subsequently requires professional medical care, provide the employee with the Worker's Compensation Claim form (DWC-1) within 24 hours.

Send all original, completed forms to the Professional Standards and Services Division Lieutenant and fax immediately to 760-602-8554 or scan/email to [hrworkcomp@carlsbadca.gov](mailto:hrworkcomp@carlsbadca.gov).

#### 1042.2.5 PROFESSIONAL STANDARDS AND SERVICES DIVISION LIEUTENANT RESPONSIBILITY

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken.

#### 1042.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police, or his/her designee, shall review and forward copies of the report to the Human Resources Department. Copies of the report shall not be retained by the Department (see Policy Manual § 1026).

### **1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on both an Employee's Injury/Illness Report and a Supervisor's Injury/Illness Report.

The affected employee shall complete the Declination of Medical Treatment portion of the Employee's Injury/Illness Report. By completing this report, the employee will not preclude his/her ability to seek medical attention later.

### **1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

#### 1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Occupational Disease and Work-Related Injury Reporting*

---

of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

### 1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

---

## 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.

Female sworn members, in uniform, will wear their hair pinned or otherwise supported on their heads so as to be neat in appearance and not be a safety hazard.

#### 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

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Appearance Standards*

---

- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

#### **1043.3 TATTOOS**

Tattoos or body art that appears innocuous, may also be considered offensive, indicate bias to members of the community or undermine government neutrality (i.e., expressions of partisan political beliefs or religion, and certain numbers, or symbols). If a tattoo or body art is deemed contrary to Department policy, based on a reasonable assessment of the tattoo, the item shall be completely covered while on duty or whenever representing the Department. The Chief of Police, or designee, shall resolve any issues related to whether any tattoo or body art undermines the core values of the Department, including bias and government neutrality, and shall be covered. At no time while on-duty or representing the Department in any official capacity, shall any tattoo required to be covered be visible.

##### **1043.3.1 UNAUTHORIZED TATTOOS**

- (a) Depictions of nudity, violence, weapons or weapon accessories (e.g. rifle crosshairs, reticle, sniper scope, ammunition and the like).
- (b) Sexually explicit, demeaning, or vulgar art, words, phrases, or profane language.
- (c) Symbols likely to incite a strong reaction in the workplace, or with the public we serve (e.g. swastikas, pentagrams, or similar symbols).
- (d) Initials, acronyms or numbers that could represent criminal or historically oppressive organizations (e.g. AB, KKK, SS, MM, HA, 666 or any gang names, numbers, and/or associated symbols).
- (e) Tattooing any body parts in an unusual manner (e.g. tattooing/chemically modifying the color of one's eyes such as "sclera tattoos" or similar modification).
- (f) Tattoos anywhere on the head, inside the mouth, inner lip, legs, neck, face, or hands except a tattoo of a wedding band on the ring finger is allowed so long as it is 3/8" wide or less.

##### **1043.3.2 NEW TATTOO**

Any employee considering a new tattoo shall ensure that it complies with this policy. When selecting a tattoo, employees should be aware that the societal meaning of any form of expression can have hidden meanings or meanings that change over time and could result in a restriction

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Personal Appearance Standards*

---

under this policy. Tattoos of numbers, symbols, flags and foreign languages may present unforeseen issues.

Permanent facial makeup that is designed to mimic the look of traditional cosmetics (i.e., hair, lip liner and eyeliner) so long as it is consistent with and does not substantially modify the employee's natural appearance, is permitted.

#### **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.

#### **1043.5 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## Uniform Regulations

### 1045.1 PURPOSE AND SCOPE

The uniform policy of the Carlsbad Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Carlsbad 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.

## Patriotic Courtesy

### 1046.1 PURPOSE AND SCOPE

Patriotic courtesy and respect for the American flag is symbolic of the oath to support and uphold the U. S. Constitution. On approach of the flag, during the playing of the National Anthem, and when the pledge of Allegiance is being recited, employees shall render the appropriate salute when in uniform. When in civilian clothes, employees shall stand at attention and place their right hand over their heart.



---

## Personnel Evaluations

### 1048.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish a viable process by which employees of the Carlsbad Police Department are rated on their performance in a timely and comprehensive fashion. This directive is intended to supplement the City of Carlsbad Order No. 13.

Employees of the Carlsbad Police Department shall be evaluated by their immediate supervisor in the following manner.

- (a) Probationary Employees - Probationary employees shall be evaluated on a quarterly basis by the supervisor to whom they are assigned at the time the evaluation is due.
- (b) Permanent Employees
  1. Sworn personnel - Permanent personnel, below the rank of lieutenant, shall be evaluated no less than once annually. Evaluation Files should be utilized to garner information in preparing the evaluation of the employee by the supervisor writing the evaluation.
  2. Evaluations shall be done annually, and the rating period shall coincide with the employees anniversary date of hire, or if an employee has been promoted to a higher rank, on the anniversary date of the promotion.
  3. Other personnel - All other personnel shall be evaluated no less than once annually. Evaluation files should be utilized to garner information in preparing the evaluation of the employee by the supervisor writing the evaluation.
  4. The rating period for other employees shall coincide with the employees anniversary date of hire, or if an employee has been promoted to a different job, on the anniversary date of the promotion.
- (c) It shall be the option of the command officer to evaluate or cause to be evaluated personnel under their jurisdiction on a more frequent basis if desired.

# 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, 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.

**Level 1 Relative** - An employee's parent, stepparent, child (natural, adopted or step), sibling (brother or sister), in-law (mother, father, son, daughter, sister or brother), or grandparent, grandchild, aunt, uncle, niece, nephew, cousin, or those with a personal relationship as defined above except marriage..

[Level 2 Relative - An employee's spouse or domestic partner.](#)

**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.

## 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\(a\)](#)):

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Nepotism and Conflicting Relationships*

---

- (a) Employees are prohibited from directly supervising or being directly supervised by any other employee who is a Level 1 Relative.
- (b) Employees are prohibited from directly supervising or being directly supervised by, or being within the chain of supervision of any other employee who is a Level 2 Relative.
- (c) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, transfers or other personnel decisions affecting an employee who is either a Level 1 or 2 Relative.
- (d) 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.
- (e) 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.
- (f) 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.

#### 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.

---

## Change of Address/Telephone Notification

### 1050.1 PURPOSE AND SCOPE

It is the purpose of this order to enhance the department's ability to contact employees in the event of an emergency and in the course of routine business.

### 1050.2 PROCEDURE

- (a) All employees are required to maintain a contact telephone number (residence or dependable cell) for the purpose of emergency contact.
- (b) Any change in an employee's residence address or contact telephone number must be reported in the following manner.
  1. On the employee's first working day after the change, he or she will document the new information on the department's "Residence/Telephone Change" form.
  2. This form shall then be submitted to the employee's supervisor from where it will be forwarded through dispatch to the Chief's office.
    - (a) Dispatch shall initial and date the form, indicating that they have made proper record of the change.
    - (b) The report shall be forwarded to the Chief's Secretary.
  3. The Chief's Secretary shall:
    - (a) Change the Chief's Confidential Roster.
    - (b) File the "Confidential Emergency Information Form" and "Residence/Telephone Change" form in the Chief's Confidential File.
    - (c) Notify the City's Human Resources Department of the change.
    - (d) Change the department roster, if approved by the employee.
    - (e) File the "Confidential Emergency Information Form" in the dispatch file, if approved by the employee.

## Department Badges and Identification Cards

### 1051.1 PURPOSE AND SCOPE

The Carlsbad Police Department badge and uniform patch as well as the likeness of these items and the name of the Carlsbad 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

The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (b) An honorably retired officer may keep his/her flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1051.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Community Service Officer, Communicator).

- (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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Department Badges and Identification Cards*

---

In accordance with Penal Code § 538d(2), if the Chief of Police issues a badge to an honorably retired peace officer that is not affixed to a plaque or other memento commemorating the retiree's service for the agency, the words "Honorably Retired" shall be clearly visible above, underneath, or on the badge itself.

#### **1051.2.4 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. 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. Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander

#### **1051.2.5 DECOMMISSIONED BADGES**

Effective February 16, 2015, the former 'Eagle' style Carlsbad Police Department badge is no longer authorized for wear or display in an official capacity by employees.

Employees will be permitted to assume possession of their formerly authorized badge(s) for use as a private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

Employees shall make a request to keep these badges in writing to the Chief of Police.

Employees who take possession of these badges shall be subject to this policy in its entirety.

Should the badges become lost, damaged or otherwise removed from the employees control he/she shall make the proper notifications as outlined in Policy 700.

#### **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 non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Department Badges and Identification Cards*

---

### **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 Carlsbad Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

## Peer Support Team

### 1052.1 PURPOSE

The Carlsbad Police Department recognizes the need to support, develop, and enhance the wellness of its employees throughout their careers in order for them to provide the highest quality of service and assistance to the community, while learning to take good care of themselves and each other. This need consists of providing an "in house" resource for employees and their family members, to support them in managing both professional and personal stress and/or crisis (Peer Support Team). In addition to supporting Department employees, the Peer Support Team may be utilized to support the community in situations of critical incidents, such as school shootings, natural disasters, and other traumatic situations. The Peer Support Team may also be utilized to support other City departments and personnel, and should work in cooperation with peer support teams of other agencies and/or City departments in multi-agency and/or multi-department incidents.

### 1052.2 MISSION STATEMENT

The mission of the Carlsbad Police Peer Support Team is to provide support, assistance, training, and resources to assist Department employees and their families in managing professional and personal traumatic stress as well enhancing their mental, emotional, and spiritual wellness so that employees will be better prepared to more effectively process the stress and emotional trauma prevalent within our profession.

### 1052.3 ROLE OF PEER SUPPORT TEAM

Peer Support Team members provide support and assistance to employees in times of stress and crisis. The responsibilities of a Peer Support Team member are as follows:

- A. Convey trust and anonymity, and assure confidentiality within the guidelines to employees who receive assistance from the Peer Support Team.
- B. Attend assigned Peer Support training seminars and mandatory meetings
- C. Provide assistance and support as needed
- D. Assist the employee by referring him/her to the appropriate resource when necessary
- E. Be available to employees for additional follow-up support
- F. Maintain contact with the Wellness Program Coordinator regarding Team activities
- G. Agree to be contacted and, if necessary, respond at any hour to assist an employee in need
- H. Provide assistance and maintain contact with new departmental employees.

Generally, when an employee is on duty, meetings and follow up contacts by a Peer Support Team member will be coordinated with that employee's immediate supervisor. Consideration should be



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Peer Support Team*

---

given to the employee's position, minimum-staffing levels, calls for service, and availability of the individual to attend meetings.

Peer Support personnel will be available to:

- A. Listen and talk with an employee after a critical incident or crisis;
- B. Provide information on resources available, such as the Employee Assistance Program, Alcoholics Anonymous, credit counseling, Chaplain, etc.;
- C. Conduct or assist supervisors in diffusings;
- D. Conduct CISM (Critical Incident Stress Management) debriefings;
- E. Respond to an employee's own request for Peer Support or a request from an employee regarding another;
- F. Provide peer support information to new employees;
- G. Provide peer support to departmental employees who have suffered serious injury or long-term illnesses;
- H. Provide peer support to departmental employees who are placed on long-term administrative leave.

Personnel who may possibly be involved in conducting any criminal prosecution or administrative discipline shall avoid any conflict of interest which may arise by placing themselves in both a Peer Support and investigative role on the same incident.

Peer Support personnel shall also be available for support on any other incident at the discretion of the Chief of Police.

#### **1052.4 COMPOSITION**

The Chief of Police may appoint any qualified Department employee to the Peer Support Team. Peer Support Team members will receive training in Peer Support for emergency responders, Critical Incidents, Post Trauma Stress, and Basic Critical Incident Stress Management. Additional suggested training could include interpersonal communication, Post Traumatic Stress Disorder, addictions, or other related topics.

Members of the Peer Support Team must remain in good standing in order to continue to participate on the Peer Support Team. Team members serve at the discretion of the Chief of Police. Circumstances that could cause a team member to be removed from the team include, but are not limited to:

- A. Disclosing any confidential information or conversations
- B. Numerous unexcused absences from mandatory meetings
- C. Repeated non-participation in functions when called upon

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Peer Support Team*

---

#### **1052.5 CRITICAL INCIDENTS REQUIRING A PEER SUPPORT RESPONSE**

Critical incidents that require a Peer Support response shall include, but are not limited to:

- A. All officer involved shootings;
- B. Where there is an employee death or serious injury;
- C. Where an employee is taken hostage;
- D. Where an employee is witness to a suicide;
- E. Where an employee is witness to a violent death or serious injury;
- F. Infant/child death;
- G. Where an employee is a witness or a participant to an incident involving multiple deaths;
- H. Any incident that is likely to affect the employee's ability to interact with the public and carry out their job functions;
- I. Any other incident deemed appropriate by any department supervisor or Peer Support Team member.

Defusings and/or more detailed debriefings will be conducted as soon as practical after a critical incident. Peer Support Team members will conduct a defusing as soon as practical after an incident. Debriefings should occur within 24,"72 hours after the critical incident and will be conducted by CISM qualified personnel. Attendance at debriefings shall be mandatory for all employees involved in the critical incident.

A defusing immediately follows (as soon as practical) the critical event and generally lasts no more than an hour. Staff may be present to offer support. A defusing may eliminate the need for a formal debriefing or it may enhance the formal debriefing process. The Peer Support Coordinator will decide on the need for a formal debriefing. One certified CISM mental health professional and/ or 1-3 Peer Support (CISM trained) Team members are required to conduct a debriefing. The debriefing may last 2-4 hours.

#### **1052.6 CONFIDENTIALITY**

The acceptance and success of the Peer Support Team will be determined, in part, by strict observance of confidentiality. It is imperative that each Peer Support Team member maintain strict confidentiality of all information learned about an individual within the guidelines of this program.

All conversations between Peer Support personnel and employees are not privileged under the Evidence Code. The Department will respect the confidentiality of conversations between Peer Support personnel and employees, with the following exceptions:

- A. Information concerning the commission of a crime;
- B. The employee is a danger to themselves or an immediate danger to others.

Disclosures under this exception will be made directly to the Chief of Police where any Department member is involved.

## *Peer Support Team*

---

A general principle for Peer Supporters to follow is to inform the person, prior to discussion, what the limitations and exceptions are regarding the information revealed. In those cases where a question regarding confidentiality arises, the Peer Supporter should consult with the Team Leader

### **1052.7 SELECTION PROCESS**

Peer Support Team members are recruited from Department personnel at large. The recruiting process for the Peer Support Team shall consist of identifying those individuals who meet the following criteria:

- A. Are not on probation at the time of appointment
- B. Agree to maintain confidentiality as provided in this policy
- C. Be empathetic and possess effective interpersonal and communication skills
- D. Be motivated and genuinely concerned with the well-being of all fellow employees
- E. Successful review of the individual's background and Department personnel file
- F. Must be willing to attend and successfully complete training programs
- G. Must attend meetings held at least quarterly
- H. May be called out after hours to respond to a critical event

To be considered for a position of Peer Support Team member, candidates will submit a memorandum of interest and personal qualifications through their chain of command to be submitted to the Chief of Police or designee.

Candidates will be scheduled for an interview. The Interview Board will be convened by the Chief of Police or designee.

The Interview Board recommendations will be submitted to the Chief of Police or designee for consideration.

### **1052.8 PEER SUPPORT TRAINING**

Peer Support Team Members should receive training in the following areas:

- A. Effective listening
- B. Critical incident stress management
- C. Debriefing and diffusing techniques
- D. Post-traumatic stress
- E. Problem-solving skills
- F. Relationship termination
- G. General assessment skills
- H. Referral and follow-up

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Peer Support Team*

---

The Members should attend a "Basic Peer Support" class and a "Basic Critical Incident Stress Management" (CISM) class as soon as practical, followed by attendance at an "Advanced Critical Incident Stress Management" (CISM) class at an appropriate time. In addition, the California Peer Support Association offers a training conference each year. A selected number of members may be budgeted to attend each year. Those in attendance shall provide training for team members unable to attend.

Peer supporters should attend on-going training to remain up to date on procedures and knowledge on available assistance for peers.

### **1052.9 REPORTING**

All Peer Support members will be required to complete quarterly statistics on all Peer Support activities or events. The quarterly statistics will not reflect any names or confidential issues.

# Temporary Modified-Duty Assignments

## 1053.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

## 1053.2 POLICY

Subject to operational considerations, the Carlsbad Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## 1053.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Carlsbad Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

## 1053.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Modified-Duty Assignments*

---

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

#### 1053.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

#### 1053.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Modified-Duty Assignments*

---

extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **1053.4.3 MEDICAL EXAMINATIONS**

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

#### **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 Division 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 Division 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:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Temporary Modified-Duty Assignments*

---

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division 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 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 the employee's assignment to modified duty.

#### **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. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

##### **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 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.



## Competition Policy

### 1054.1 PURPOSE AND SCOPE

Duty time may be used for pre-approved work-related competition. Flex time needs to be used to avoid any overtime charges.

If the competition is in Southern California, a City car may be used.

If the competition is outside of Southern California, the employee must provide his own transportation.

No other costs will be incurred by the department such as entry fees or food.

---

## Leave Requests

### 1056.1 PURPOSE AND SCOPE

This policy is established to facilitate effective scheduling, and to expedite employees' plans for use of off-duty time.

Every employee of the police department who wishes to use leave time must notify the scheduling supervisor for her/his section. The supervisor shall use the following guidelines when considering approval of leave time:

- (a) Leave time shall be approved when the scheduling needs for the affected section can be maintained.
- (b) Vacation requests submitted 45 days in advance will generally be approved based on seniority. Vacation requests submitted less than 45 days in advance will be approved on a first-come basis.
- (c) Comp time requests submitted 30 days in advance will be approved based on seniority. Comp time requests submitted less than 30 days in advance will be approved on a first-come basis.
- (d) Supervisors will make a reasonable effort to grant comp time leave requests when submitted at least three work days prior to the requested time off, if minimum staffing levels can be maintained. If the requested comp time off cannot be approved, the employee will be notified by the supervisor, and the employee has the following options:
  - 1. Request an alternative date
  - 2. Be paid for the comp time requested
  - 3. Withdraw the request
- (e) Supervisors are permitted to grant comp time requests with less than three workdays notice at their discretion. However, the option for comp time pay out will not be available if the request cannot be granted.
- (f) Occasionally employees are required to make non-refundable deposits with reservations more than 45 days in advance. In those special cases, the employee should notify her/his supervisor as early as practical. It is recommended that the supervisor check the remaining personnel in the affected section for possible conflict prior to approval.

# Employee Speech, Expression and Social Networking

## 1057.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1057.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

## 1057.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Carlsbad Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1057.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Carlsbad Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Employee Speech, Expression and Social Networking*

---

Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### **1057.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Carlsbad Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Carlsbad Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Carlsbad Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Carlsbad Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Employee Speech, Expression and Social Networking*

---

for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Carlsbad Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1057.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Carlsbad Police Department or identify themselves in any way that could be reasonably perceived as representing the Carlsbad Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Carlsbad Police Department.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Employee Speech, Expression and Social Networking*

---

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### **1057.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

### **1057.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Employee Speech, Expression and Social Networking*

---

- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### **1057.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

---

## Illness and Injury Prevention

### 1058.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Carlsbad Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

### 1058.2 POLICY

The Carlsbad Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 1058.3 ILLNESS AND INJURY PREVENTION PLAN

The Professional Standards and Support Bureau Lieutenant is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  - (a) Meet regularly.
  - (b) Prepare a written record of safety and health committee meetings.
  - (c) Review the results of periodic scheduled inspections.
  - (d) Review investigations of accidents and exposures.
  - (e) Make suggestions to command staff for the prevention of future incidents.
  - (f) Review investigations of alleged hazardous conditions.
  - (g) Submit recommendations to assist in the evaluation of member safety suggestions.
  - (h) Assess the effectiveness of efforts made by the Department to meet relevant standards.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Illness and Injury Prevention*

---

- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

#### **1058.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES**

The responsibilities of the Administration Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - 1. New member orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular member review of the illness and injury prevention plan.
  - 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  - 1. Informing members of the illness and injury prevention guidelines.
  - 2. Recognizing members who perform safe work practices.
  - 3. Ensuring that the member evaluation process includes member safety performance.
  - 4. Ensuring department compliance to meet standards regarding the following:
    - (a) Respiratory protection (8 CCR 5144)
    - (b) Bloodborne pathogens (8 CCR 5193)
    - (c) Aerosol transmissible diseases (8 CCR 5199)
    - (d) Heat illness (8 CCR 3395)
    - (e) Emergency Action Plan (8 CCR 3220)
    - (f) Fire Prevention Plan (8 CCR 3221)
    - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Illness and Injury Prevention*

---

- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1058.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Professional Standards and Support Bureau Lieutenant.
- (e) Notifying the Professional Standards and Support Bureau Lieutenant when:
  - (a) New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  - (b) New, previously unidentified hazards are recognized.
  - (c) Occupational illnesses and injuries occur.
  - (d) New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
  - (e) Workplace conditions warrant an inspection.

#### **1058.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Illness and Injury Prevention*

---

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Professional Standards and Support Bureau Lieutenant via the chain of command.

The Professional Standards and Support Bureau Lieutenant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **1058.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Professional Standards and Support Bureau Lieutenant shall ensure that the appropriate documentation is completed for each inspection.

##### **1058.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **1058.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Illness and Injury Prevention*

---

#### **1058.9 TRAINING**

The Professional Standards and Support Bureau Lieutenant should work with the Training Coordinator to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### **1058.9.1 TRAINING TOPICS**

The Training Coordinator shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **1058.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Anti-Retaliation

### 1059.1 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.

### 1059.2 POLICY

The Carlsbad 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.

### 1059.3 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.

## *Anti-Retaliation*

---

### 1059.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

### 1059.4 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.

### 1059.5 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Anti-Retaliation*

---

- (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.

#### **1059.6 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.

#### **1059.7 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 Unit for investigation pursuant to the Personnel Complaints Policy.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Anti-Retaliation*

---

#### 1059.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department 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).

#### **1059.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1059.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.



## Line-of-Duty Deaths

### 1060.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Carlsbad 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.

#### 1060.1.1 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 non-sworn 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.

### 1060.2 POLICY

It is the policy of the Carlsbad 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.

### 1060.3 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 Communications 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

- (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).

#### **1060.4 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

- (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 Carlsbad Police Department members may be apprised that survivor notifications are complete.

#### **1060.4.1 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.

#### **1060.5 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, 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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

#### **1060.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1060.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1060.6.2 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 Carlsbad 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.

#### 1060.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

- 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 Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (Communication Relation Manager (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.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

- (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.

#### 1060.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) 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 wellness support and counseling services and assisting with arrangements as needed.

# Carlsbad Police Department

Carlsbad PD Policy Manual

## *Line-of-Duty Deaths*

---

- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

### 1060.6.5 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.

### 1060.6.6 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 Carlsbad Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance Policy.



# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

#### 1060.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 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, such as:
  - 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.

#### 1060.6.8 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:

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

- (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.

#### **1060.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's Communication Relation Manager (PIO) should be the department's contact point for the media. As such, the Communication Relation Manager (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 Communication Relation Manager (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 Communication Relation Manager (PIO) should request that the media withhold the information from release until proper notification can be made to survivors.

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### *Line-of-Duty Deaths*

---

The Communication Relation Manager (PIO) should ensure that media are notified when survivor notifications have been made.

#### **1060.8 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.

#### **1060.9 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.

#### **1060.10 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.

#### **1060.11 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.

## Attachments

## Hate Crime Checklist.pdf

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b> Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b> Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b> Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
---------------	--	--

<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
-------------	--	---

	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
----------------	--	--

<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
----------------	--

# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<b><u>Victim</u></b>	<b><u>Suspect</u></b>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## **Statutes and Legal Requirements.pdf**



---

## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

---

## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

**Commission on Peace Officer Standards and  
Training Hate Crimes Model Policy 2019.pdf**

## INDEX / TOPICS

### A

ABBREVIATIONS . . . . .	18
ACCIDENTAL DISCHARGE . . . . .	109
ACCOUNTABILITY TO SUPERVISOR . . . . .	26
ACKNOWLEDGEMENTS	
Policy manual. . . . .	21
Policy revisions. . . . .	21
ADMINISTRATIVE INVESTIGATION . . . . .	91
ADMINISTRATIVE INVESTIGATIONS	
OIS . . . . .	91, 91, 91
OIS . . . . .	91, 91
Recorded media files. . . . .	463
AIRCRAFT . . . . .	431
Accidents. . . . .	431
Ambulance. . . . .	506
ALCOHOL . . . . .	724
ALCOHOL AND DRUGS . . . . .	102
ALCOHOL USE . . . . .	724
AMMUNITION	
Gun violence restraining order surrenders. . . . .	364
AMMUNITION . . . . .	101
ANIMALS	
Line-of-duty deaths. . . . .	851
APPOINTMENTS	
Communications supervisor. . . . .	628
PIO. . . . .	264
Reserve coordinator. . . . .	276
ARRESTS	
First amendment assemblies . . . . .	521, 524
Seat belts. . . . .	763
ASSET FORFEITURE . . . . .	575
ASSET FORFEITURE	
Procedure. . . . .	575
AUDIO/VIDEO RECORDING	
Body-worn cameras. . . . .	461
AUTHORITY	
Policy manual. . . . .	18
AUTOMATED EXTERNAL DEFIBRILLATORS (AED) . . . . .	507

### B

BADGE . . . . .	813
BATON . . . . .	77

BETTING . . . . .	231
BIOLOGICAL SAMPLES	
Hazards . . . . .	433, 836
BIOLOGICAL SAMPLES . . . . .	319
BODY ARMOR . . . . .	765
BODY-WORN CAMERAS . . . . .	461
BOMB THREATS . . . . .	405
BOMBS . . . . .	403
Aircraft accidents. . . . .	433
BRADY MATERIAL . . . . .	593
BREATH TEST . . . . .	546
BRIBE . . . . .	231
BUCCAL SWABS . . . . .	319

### C

CANINE . . . . .	133
Assignments. . . . .	135
Handler Compensation. . . . .	137
Handler Responsibilities. . . . .	136
Request for Use. . . . .	135
Selection. . . . .	136
CANINE USE REPORTS . . . . .	135
CANINES	
Pursuits. . . . .	482
CASH, CUSTODY	
Phone Calls . . . . .	680, 680
CHANGE OF ASSIGNMENT . . . . .	775
CHAPLAINS	
Line-of-duty deaths. . . . .	851
CHIEF EXECUTIVE . . . . .	15
CHILD ABUSE . . . . .	192
CHILD SAFETY SEAT . . . . .	763
CITATIONS . . . . .	529
CIVILIAN/NON-SWORN . . . . .	20
CIVILIAN/NONSWORN	
Crisis intervention incidents. . . . .	514
CODE-3 . . . . .	130
COMMAND PROTOCOL . . . . .	25
COMMAND STAFF	
Line-of-duty deaths. . . . .	841
Policy review. . . . .	21
COMMENDATIONS AND AWARDS . . . . .	786
COMMUNICABLE DISEASE	
Health orders. . . . .	380
COMMUNICABLE DISEASES	
Illness and injury prevention. . . . .	832
COMMUNICABLE DISEASES	
Confidentiality. . . . .	735
Counseling. . . . .	735
COMMUNICATIONS CENTER	
Foot pursuits. . . . .	485

# Carlsbad Police Department

## Carlsbad PD Policy Manual

Mandatory sharing . . . . .	284	DEPENDENT ADULT . . . . .	178
COMMUNICATIONS CENTER		DESTRUCTION OF ANIMALS . . . . .	108
Crisis intervention incidents. . . . .	513	DIPLOMATIC AGENTS . . . . .	414
COMMUNICATIONS WITH HEARING		DIPLOMATIC IMMUNITY . . . . .	413
IMPAIRED OR DISABLED . . . . .	309	DISABLED	
CONCEALED WEAPONS PERMITS		Motorist. . . . .	554
Retired Officers. . . . .	40	DISASTER PLAN . . . . .	28
CONDUCT . . . . .	229	DISCLAIMER . . . . .	17
Meritorious. . . . .	787	DISCLOSING INFORMATION . . . . .	828
CONDUCT UNBECOMING . . . . .	231	DISCRIMINATION . . . . .	231
CONFIDENTIAL INFORMANTS		DISGRACEFUL CONDUCT . . . . .	231
Payment Procedure. . . . .	582	DISHONESTY . . . . .	231
CONFIDENTIAL INFORMATION . . . . .	234	DISOBEDIENCE . . . . .	231
CONFIDENTIALITY		DISPARAGING REMARKS . . . . .	231
Communications center. . . . .	632	DISTRIBUTION . . . . .	19
Surreptitious recording. . . . .	462	DIVISION . . . . .	25
CONSULAR OFFICERS . . . . .	414	DNA SAMPLES . . . . .	319
CONTROL DEVICES		DOG BITES . . . . .	135
First amendment assemblies. . . . .	522	DOG INJURIES . . . . .	135
Training. . . . .	423	DOMESTIC VIOLENCE	
CONTROL DEVICES . . . . .	76	Reporting of Employee Convictions. . . . .	722
CONTROL DEVICES . . . . .	76	DRIVER'S LICENSE . . . . .	231
CORRESPONDENCE . . . . .	36	DRUG USE . . . . .	724
COURT APPEARANCE . . . . .	270	DUI ENFORCEMENT . . . . .	544
COURT ORDERS			
Gun violence restraining order surrenders. . . . .	364	<b>E</b>	
Surreptitious recording. . . . .	462	ELECTRICAL LINES . . . . .	430
COURTROOM ATTIRE . . . . .	273	ELECTRO-MUSCULAR DISRUPTION	
COURTROOM PROTOCOL . . . . .	273	TECHNOLOGY DEVICE . . . . .	82
CRIME ANALYSIS . . . . .	625	ELECTRONIC MAIL . . . . .	34
CRIME SCENE AND DISASTER INTEGRITY		EMERGENCY MANAGEMENT PLAN . . . . .	28
. . . . .	379	EMERGENCY UTILITY . . . . .	430
CRIMINAL ACTIVITIES . . . . .	231	ENFORCEMENT . . . . .	528
CRISIS INTERVENTION INCIDENTS . . . . .	511	EVIDENCE	
CRISIS NEGOTIATION TEAM . . . . .	381	Seizing recordings. . . . .	517
CRISIS RESPONSE UNIT . . . . .	381	EXCESSIVE FORCE . . . . .	231
CUSTODIAL SEARCHES . . . . .	696	EXPLOSIVES . . . . .	403
CUSTODIAN OF RECORDS . . . . .	664	EXPOSURE CONTROL	
		Reviews. . . . .	832
<b>D</b>		EXPOSURE CONTROL OFFICER . . . . .	729
DAMAGE BY CITY PERSONNEL . . . . .	258	EXPOSURE(S) . . . . .	396
DEADLY FORCE REVIEW . . . . .	60		
DEATH INVESTIGATION . . . . .	296	<b>F</b>	
DEATH NOTIFICATION . . . . .	297	FAILURE TO TAKE ACTION . . . . .	231
DECONTAMINATION . . . . .	731	FALSE STATEMENTS . . . . .	231
DEFECTIVE VEHICLES . . . . .	608	FALSIFICATION OF RECORDS . . . . .	231
DEFINITIONS . . . . .	18	FIELD SOBRIETY TESTS . . . . .	545
DEPARTMENT E-MAIL . . . . .	36	FIGHTING . . . . .	230
DEPARTMENT OWNED PROPERTY . . . . .	601	FIREARM SERIAL NUMBERS . . . . .	648
DEPARTMENT PROPERTY			
Loss Or Damage. . . . .	602		

# Carlsbad Police Department

## Carlsbad PD Policy Manual

<b>FIREARMS</b>	
Qualifications. . . . .	105
<b>FIREARMS DISCHARGE</b> . . . . .	109
<b>FITNESS FOR DUTY</b> . . . . .	788
<b>FORCE</b> . . . . .	60
<b>FOREIGN NATIONALS</b> . . . . .	413
Arrest or Detention. . . . .	413
Arrest Procedure. . . . .	419
In-Custody Arrests. . . . .	415
Traffic Collisions. . . . .	417
Vehicle Registration. . . . .	415
<b>G</b>	
<b>GAMBLING</b> . . . . .	231
<b>GRATUITY</b> . . . . .	231
<b>GRIEVANCES</b>	
Supervisor authority. . . . .	20
<b>GROOMING STANDARDS</b> . . . . .	804
<b>H</b>	
<b>HAZARDOUS MATERIAL</b> . . . . .	396
<b>HAZARDOUS MATERIAL (HAZMAT) RESPONSE</b>	
Aircraft accidents. . . . .	433
<b>HAZARDS</b> . . . . .	834
<b>HEARING IMPAIRED</b> . . . . .	309
<b>HELICOPTER ASSISTANCE</b> . . . . .	439
<b>HIGH-VISIBILITY VESTS</b> . . . . .	529
<b>HOMELESS</b> . . . . .	495
<b>HONORARY CONSULS</b> . . . . .	414
<b>HORSEPLAY</b> . . . . .	230
<b>I</b>	
<b>IDENTITY THEFT</b> . . . . .	299
<b>IMMUNITY</b> . . . . .	413
<b>INFORMATION TECHNOLOGY USE TECHNOLOGY USE</b> . . . . .	239
<b>INJURY CLAIMS</b> . . . . .	802
<b>INSPECTIONS</b>	
Illness and injury prevention . . . . .	832, 835
Personal protective equipment. . . . .	835
Vehicles. . . . .	835
<b>INSUBORDINATION</b> . . . . .	231
<b>INTERNET ACTIVITY</b> . . . . .	828
<b>INTOXICANTS</b> . . . . .	231
<b>INVESTIGATION &amp; PROSECUTION</b> . . . . .	567
<b>J</b>	
<b>JURISDICTION</b>	
Aircraft accidents. . . . .	432
<b>JUVENILE INFORMANTS</b> . . . . .	581
<b>JUVENILES</b>	
Use as Informants. . . . .	581
<b>K</b>	
<b>KINETIC PROJECTILES</b> . . . . .	79
<b>L</b>	
<b>LIMITED ENGLISH PROFICIENCY</b>	
Communications center. . . . .	630
Eyewitness identification. . . . .	586
<b>LIMITED ENGLISH PROFICIENCY</b> . . . . .	302
<b>LINE-OF-DUTY DEATHS</b> . . . . .	841
<b>M</b>	
<b>MANDATORY APPEARANCE</b> . . . . .	270
<b>MANUALS</b> . . . . .	28
<b>MDT</b> . . . . .	449
<b>MEAL PERIODS AND BREAKS</b> . . . . .	792
<b>MEDIA</b> . . . . .	264
Aircraft accidents. . . . .	434
Line-of-duty deaths. . . . .	850
<b>MEDIA REQUEST</b> . . . . .	264
<b>MEDICAL</b>	
Aircraft accidents. . . . .	432
Releases. . . . .	506
<b>MENTAL ILLNESS</b>	
Restraints. . . . .	406
<b>MINIMUM STAFFING</b> . . . . .	37
<b>MISAPPROPRIATION OF PROPERTY</b> . . . . .	231
<b>MISUSE OF PUBLIC FUNDS</b> . . . . .	231
<b>MOBILE DIGITAL TERMINAL USE</b> . . . . .	449
<b>MODIFIED-DUTY ASSIGNMENTS</b> . . . . .	821
<b>N</b>	
<b>NARCOTIC-DETECTION DOGS</b>	
Use of. . . . .	134
<b>NOTIFICATIONS</b>	
Aircraft accidents. . . . .	432
Impaired driving. . . . .	547
Line-of-duty deaths. . . . .	842

# Carlsbad Police Department

## Carlsbad PD Policy Manual

Sick leave. . . . .	727	PRIVACY EXPECTATION . . . . .	830
<b>O</b>		PRIVACY EXPECTATIONS	
OATH OF OFFICE . . . . .	16	Audio/video recordings. . . . .	461
OC SPRAY . . . . .	78	PRIVATE PERSONS ARRESTS . . . . .	300
OFFICER IDENTIFICATION . . . . .	627	PROHIBITED SPEECH . . . . .	828
OFFICER SAFETY		PROTECTED INFORMATION	
Communications center . . . . .	630, 631	Communications center. . . . .	632
Crime scene and disaster integrity. . . . .	379	PUBLIC RECORDING OF LAW ENFORCEMENT	
Foot pursuits. . . . .	482	ACTIVITY . . . . .	516
Occupational hazards. . . . .	834	PURSUITS	
Seat belts. . . . .	763	Foot. . . . .	482
OFFICER-INVOLVED SHOOTING . . . . .	88	<b>R</b>	
ORGANIZATIONAL STRUCTURE . . . . .	25	RANGEMASTER . . . . .	110
OUTSIDE AGENCY ASSISTANCE . . . . .	283	RAPID RESPONSE AND DEPLOYMENT . . . . .	421
OUTSIDE EMPLOYMENT		RECORDS BUREAU	
Change in Status. . . . .	800	Administrative hearings. . . . .	549
Obtaining Approval. . . . .	797	Impaired driving. . . . .	549
Prohibited Outside Employment. . . . .	798	RECORDS RELEASE	
Security Employment. . . . .	798	Audio/video recordings. . . . .	464
		Child deaths. . . . .	202
<b>P</b>		RECORDS RETENTION	
PEPPER SPRAY . . . . .	78	Illness and injury prevention. . . . .	836
PERFORMANCE . . . . .	231	Oath of office. . . . .	16
PERFORMANCE EVALUATIONS		Personal protective equipment. . . . .	618
Sick leave. . . . .	728	REFLECTORIZED VESTS . . . . .	529
PERSONAL APPEARANCE . . . . .	804	RELEASE OF RECORDS & INFORMATION	
PERSONAL PROPERTY . . . . .	601	Processing Requests. . . . .	650
Loss Or Damage. . . . .	602	RELEASE OF RECORDS & INFORMATION	
PERSONAL PROTECTIVE EQUIPMENT . . . . .	615	Arrest Reports. . . . .	652
PERSONNEL COMPLAINTS		Personnel Records. . . . .	652
Portable audio/video review. . . . .	463	REPORT CORRECTIONS . . . . .	259
PERSONNEL COMPLAINTS		REPORT PREPARATION . . . . .	255
Documentation. . . . .	754	RESERVE OFFICERS	
PERSONNEL FILES . . . . .	767	Firearms Requirements. . . . .	278
Types Of Personnel Files. . . . .	769	RESERVE OFFICERS/DEPUTIES . . . . .	275
PERSONNEL RECORDS . . . . .	652	RESPIRATORY PROTECTION . . . . .	616
PHOTOGRAPHS		RESPONSE TO CALLS . . . . .	130
Aircraft accidents. . . . .	433	RESTRAINTS . . . . .	71
PHYSICAL AND MENTAL EXAMINATIONS		RESTRICTED INFORMATION . . . . .	266
. . . . .	789	RETIRED OFFICER CCW . . . . .	40
PHYSICAL CONDITION . . . . .	234	REVIEWS	
PIO . . . . .	264	Crisis intervention incidents. . . . .	515
POLICE SERVICE DOG . . . . .	133	Exposures. . . . .	832
POLICY MANUAL . . . . .	17	Illness and injury prevention. . . . .	832
POLITICAL ACTIVITIES . . . . .	231	Policy manual. . . . .	21
POLITICAL ACTIVITY . . . . .	829	Portable audio/video. . . . .	463
POLITICAL ENDORSEMENTS . . . . .	829	Public records on social media. . . . .	360
PRESS INFORMATION OFFICER . . . . .	264	RIDE-ALONG	
		Eligibility. . . . .	393
		ROLL CALL TRAINING . . . . .	378

# Carlsbad Police Department

## Carlsbad PD Policy Manual

### S

#### SAFETY

Communications center. . . . .	626
First responder. . . . .	379
Inspections (occupations). . . . .	835
Media. . . . .	264
Personal protective equipment. . . . .	615
Temporary custody of adults. . . . .	679

#### SAFETY EQUIPMENT

First amendment assemblies. . . . .	521
Seat belts. . . . .	763

#### SCHOOL EMPLOYEE REPORTING . . . . .

#### SEARCH & SEIZURE . . . . .

#### SEARCHES

Crime scene. . . . .	380
Custodial. . . . .	696
Gun violence restraining orders. . . . .	363

#### SEARCHES

Vehicles. . . . .	611
-------------------	-----

#### SEARCHING

Dead Bodies. . . . .	297
----------------------	-----

#### SEAT BELTS . . . . .

#### SECURITY EMPLOYMENT . . . . .

#### SEE POLICE SERVICE DOG . . . . .

#### SELECTION . . . . .

#### SKELLY PROCEDURE . . . . .

#### SMOKING POLICY . . . . .

#### SOCIAL MEDIA . . . . .

#### SOCIAL NETWORKING . . . . .

#### SPECIAL ORDER . . . . .

#### STAFF . . . . .

#### STAFFING LEVELS . . . . .

#### STANDARDS OF CONDUCT . . . . .

#### STANDBY . . . . .

#### SUBPOENAS . . . . .

Acceptance. . . . .	271
Civil Subpoenas. . . . .	272
Failure To Appear. . . . .	272

#### SUCCESSION OF COMMAND . . . . .

#### SUPERVISION DEPLOYMENTS . . . . .

### T

#### TASER . . . . .

#### TATTOOS . . . . .

#### TEAR GAS . . . . .

#### TEMPORARY CUSTODY OF ADULTS . . . . .

#### TOLL ROADS . . . . .

#### TRAFFIC FUNCTION AND RESPONSIBILITY

. . . . .	528
-----------	-----

#### TRAFFIC OFFICER/DEPUTY . . . . .

#### TRAFFIC SIGNAL . . . . .

#### TRAINING

AED. . . . .	508
ALPR. . . . .	491
Custodial searches. . . . .	698
Dispatcher. . . . .	632
Hazardous materials. . . . .	836
Impaired driving. . . . .	549
Occupational safety. . . . .	836
Opioid medication. . . . .	509
Personal protective equipment. . . . .	619
Public safety video surveillance. . . . .	329
Rapid response and deployment. . . . .	423
Shared equipment and supplies. . . . .	284
Social media. . . . .	360

#### TRAINING

SWAT. . . . .	384
---------------	-----

#### TRAINING PLAN . . . . .

#### TRAINING POLICY . . . . .

### U

#### UNITY OF COMMAND . . . . .

#### URINE TESTS . . . . .

#### USE OF FORCE

First amendment assemblies. . . . .	522
-------------------------------------	-----

#### USE OF SOCIAL MEDIA . . . . .

#### UTILITY SERVICE . . . . .

### V

#### VEHICLE MAINTENANCE . . . . .

#### VEHICLES

Impound hearings. . . . .	542
---------------------------	-----

### W

#### WATCH COMMANDERS . . . . .

#### WATER LINES . . . . .