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.
CHIEF'S PREFACE

The Brea Police Department’s Policy Manual provides the framework and guidelines for the provision of professional law enforcement services. These policies have been established as a result of an ever-changing assimilation of legal principles and best-practice policing principles. The Policy Manual is intended to be an organic instrument that is subject to necessary changes and updates, as needed.

It is the responsibility of all members of the Brea Police Department to become familiar with the policies and procedures set forth in this Policy Manual. This Manual is not intended to cover all of the many situations that constantly confront the members of a law enforcement organization. Each member, at all times, is expected to use initiative, resourcefulness and sound judgment while performing their duties. This Manual, combined with ongoing professional training, is designed to provide all department members the knowledge and resources to provide smart, professional law enforcement services marked by empathy and compassion.

John Burks
Chief of Police
CORE VALUES

INTEGRITY

Adherence to moral and ethical behavior in our personal and professional lives in a manner that brings honor to ourselves, our families and our profession.

GOLDEN RULE

Treat others as we would like to be treated. We will strive to treat everyone with respect, dignity and fairness at all times.

LOYALTY

Faithfully dedicated to our values, family, profession and community.
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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
The purpose of this policy is to affirm the authority of the members of the Brea Police Department to perform their functions based on established legal authority.

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

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

100.3 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.).

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE BREA POLICE DEPARTMENT
The arrest authority within the jurisdiction of the Brea Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE BREA POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the Brea Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person committed a felony.
(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

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

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

100.3.3 DELIVERY TO NEAREST MAGISTRATE
When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
   1. A misdemeanor committed in the presence of the officer.
   2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.4 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

101.1 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.

101.1.1 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

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

102.2 POLICY
It is the policy of the Brea 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.

102.3 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.”

102.4 MAINTENANCE OF RECORDS
The oath of office shall be filed as prescribed by law (Government Code § 3105).
Policy Manual

103.1 PURPOSE AND SCOPE
The manual of the Brea 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.

103.2 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.

103.2.1 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 Brea 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 Brea Police Department reserves the right to revise any policy content, in whole or in part.

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

103.4 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).
**Policy Manual**

**CHP** - The California Highway Patrol.


**City** - The City of City of Brea.

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

**Department/BPD** - The Brea Police Department.

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

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

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


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

**Member** - Any person employed or appointed by the Brea 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 Brea Police Department.

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

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

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

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

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

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

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

**103.5 ISSUING THE POLICY MANUAL**

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

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

**103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

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

**103.7 REVISIONS TO POLICIES**

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

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

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

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

104.1 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.

104.2 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).

104.3 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.

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION
Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.
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 Brea Police Department. There are two divisions in the Police Department as follows:

- Uniform Patrol Division
- Investigative Services Division

200.2.1 UNIFORM PATROL DIVISION
The Uniform Patrol Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Uniform Patrol Division. The Uniform Patrol Division consists of Uniformed Patrol and Special Operations, which includes Traffic, Dispatch, Police Service Officers, Parking Control Officers and Police Cadets.

200.2.2 INVESTIGATIVE SERVICES DIVISION
The Investigative Services Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Investigative Services Division. The Investigative Services Division consists of the Investigations Bureau, Records, Crime Analysis Unit, Property and Evidence Section, and Forensic Services.

200.3 COMMAND PROTOCOL

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

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

(a) Uniform Patrol Division Commander
(b) Investigative Services Division Commander
(c) 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.
Authority of Ranking Officers

201.1 PURPOSE AND SCOPE

201.1.1 AUTHORITY OF CHIEF OF POLICE
The Chief of Police is the chief executive officer of the Department and the final departmental authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.

201.1.2 AUTHORITY OF DIVISION COMMANDERS
The Division Commanders will ordinarily be assigned to command a Division of the Department but may be assigned additional duties by the Chief of Police. Each shall have the authority to:

- Issue orders to all subordinate personnel as may be necessary to promote the effective operations of all activities within the Department.
- To assign and transfer all personnel within the Division.
- To make disciplinary dispositions on minor infractions, provided that all such dispositions are reported in writing to the Chief of Police.
- To make disciplinary recommendations, subject to approval of the Chief of Police.
- To relieve from duty, with or without pay, under emergency suspension conditions (in accordance with procedures established in Rule VIII, Section 4, of the City Personnel Rules and Regulations).

201.1.3 AUTHORITY OF POLICE LIEUTENANTS
The Lieutenant will ordinarily be assigned as a Watch Commander of a Patrol Watch. In the absence of the Division Commander, shall exercise authority to relieve an officer from a tour of duty under the emergency suspension conditions. Shall also have the authority to issue such orders as necessary to assure the performance of the Division's functions as related to the Watch.

A Lieutenant may also be assigned to perform a special staff function, in which case he will enjoy the appropriate authority assigned to that function.

201.1.4 AUTHORITY OF POLICE SERGEANTS
The Police Sergeant is a first line supervisor and may periodically assume the duty and authority as the Watch Commander in his absence. The Sergeant has authority to issue orders and direct subordinate personnel, as necessary, to assume the proper performance of the Division's functions. Shall also have the authority to suspend with pay as per Rule VIII, Section 4 of the City's Personnel Rules and Regulations.
Authority of Ranking Officers

201.1.5  AUTHORITY OF POLICE CORPORALS
The Police Corporal is a special assignment position in the Uniform Patrol Division. The Corporal may be assigned the duty and authority of a field supervisor. The Corporal may assume the duties of field supervisor as necessary in the immediate absence of a sergeant. Under these circumstances, the Corporal may issue orders and direct subordinate personnel, as necessary, to assure the proper performance of Uniform Patrol personnel.
Emergency Management Plan

201.1 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).

201.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

201.2.1 RECALL OF PERSONNEL
In the event that the Emergency Management Plan is activated, all employees of the Brea 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.

201.3 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 Chief of Police or his/her designee should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

202.1  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.

202.2  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).

202.3  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

202.4  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 include utilization of the Brea Police Training Matrix.

202.5  TRAINING NEEDS ASSESSMENT
The Professional Standards Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

202.6  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
Training Policy

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.
Electronic Mail

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

203.2 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.

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

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

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

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

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

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

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

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

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

204.2  RESPONSIBILITIES

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

204.2.2  CHIEF OF POLICE
The Chief of Police shall issue all Departmental Directives.

204.3  ACCEPTANCE OF DEPARTMENTAL DIRECTIVES
All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Training Coordinator.
Administrative Communications

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

205.2 DEPARTMENT EMAIL
Department Email 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.

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

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

206.1 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.

206.2 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.

206.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Uniform Patrol Division Commander, an officer may act as the Watch Commander for a limited period of time.
Supervisors Procedures

207.1 PURPOSE AND SCOPE

207.1.1 RANKING ORDER
Supervisors have the authority to carry out Departmental policies and administer and supervise the work of the various Divisions, Units and Details of all members of the Department.

The Chief of Police may, for the purpose of maintaining a chain of command and placing responsibility, designate a ranking member to assume command in his absence. This member shall have the authority to direct the work of the Department within the procedure and policy guidelines set out by the Chief of Police.

A ranking member shall exercise the authority of his position under all conditions which require that he use such authority in the best interest of the Department. He shall not unnecessarily countermand any order of officers below his rank or needlessly interfere with the duties of members ranking below him.

207.1.2 SUCCESSION OF COMMAND
In the event of unusual circumstances or in situations of a critical nature during the performance of police duties, the succession of command shall be as follows:

(a) By rank: An officer of senior rank may take command of a situation by identifying himself and informing the officer then in charge. Such assumption of command shall be taken whenever the situation appears to the Senior Officer to be beyond the control of the officer then in charge.

(b) By special assignment: A corporal may take command by identifying him- or herself and informing the officer, then in charge, of his intent.

(c) By seniority: If members are of equal rank, by continuous length of service in that rank. An officer of equal rank may take command by identifying himself and informing the officer, then in charge, of his intent. Such assumption of command shall only be taken when the officer then in command is unable to perform his duties due to physical or mental defect.

(d) By one member being designated by a competent authority as being in command: An officer, regardless of rank, shall assume command of a situation when so instructed by an officer of superior rank then in command. An officer placed in command of an operation shall maintain that responsibility until relieved by competent authority.
License to Carry a Firearm

207.1 POLICY
The policy of the City of Brea Police Department shall be to refer all requests for C.C.W. permits to the Orange County Sheriff's Department.
Retiree Concealed Firearms

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

208.2 POLICY
It is the policy of the Brea Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

208.3 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.

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

If the Brea Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
   1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement
Retiree Concealed Firearms

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

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

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

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

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

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

(d) The name and address of this department.

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

208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The Brea Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):
Retiree Concealed Firearms

(a) The retiree’s previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree’s complete personnel record or can verify the retiree’s honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

208.4.3 QUALIFIED RETIRED RESERVES
Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

208.5 FORMER OFFICER RESPONSIBILITIES
A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

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

(a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer’s expense.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Not engage in conduct that compromises public safety.

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

208.6 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.

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

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped “No CCW Privilege.”

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

3. The personal and written notification should be as follows:
   (a) The retiree’s CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

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

210.1 PURPOSE AND SCOPE
This policy establishes reasonable requirements of employees to provide information allowing contact while off-duty, and information for an emergency contact of a family member or other person.

(a) Employees of the Police Department are subject to 24-hour availability as a condition of employment.

(b) During a crisis or emergency, if a Department employee is incapacitated or otherwise unable to, it may be necessary for Police Department staff to notify that employee's family (or other person designated by the employee).

210.2 ADDRESS AND TELEPHONE
Every member of the Police Department must provide his or her home address and telephone number to the Executive Assistant to the Chief of Police. The "Change of Address / Telephone Report" (BPD F-124) should be used. The Department member may also provide other contact information at his or her discretion. This information will be maintained on a police department roster available to police staff only.

Department necessity requires that only telephone numbers be available throughout the Department. A Department Roster with home telephone numbers will be maintained in the Police Personnel Information Index of the Police Computer.

An employee desiring his/her residence address or other contact information to remain confidential may use form BPD F-124 (Employee Address/Telephone Notification/Change form) or contact the Executive Assistant to the Police Chief and that information will not be given out without the permission of the employee or a supervisor.

210.3 EMERGENCY CONTACT
Every member of the Police Department must provide the name, address and telephone number/s (and other pertinent information) of a person to be contacted should that member be incapacitated while on duty. The "Brea Police Department Crisis Information" form shall be used. Additional information may be included on that form at the member's discretion. That form shall be forwarded to and maintained by the Executive Assistant to the Chief of Police or his or her designate. Crisis Information will be maintained in the Watch Commander's office.

Department members are strongly encouraged to regularly review this emergency contact information to ensure it is current. Corrections or additions may be made by submitting a new Crisis Information form.
210.4 CHANGE OF ADDRESS OR TELEPHONE NUMBER
When a Department employee's home address or telephone changes, he or she shall notify the Executive Assistant to the Police Chief within 24 hours. The Executive Assistant will assume responsibility for the dissemination of the new information.
License to Carry a Firearm

211.1 PURPOSE AND SCOPE
The policy of the City of Brea Police Department shall be to refer all requests for C.C.W. permits to the Orange County Sheriff's Department.
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.

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.

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 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 promptly report these observations to a supervisor as soon as feasible (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 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 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.
Use of Force

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

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

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

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

(o) The risk and reasonably foreseeable consequences of escape.
(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
(r) Prior contacts with the subject or awareness of any propensity for violence.
(s) Any other exigent circumstances.

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

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

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

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD
Officers of this department are not authorized to use a carotid restraint hold. 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 (Government Code § 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE
In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Brea Police Department for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION
As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:
(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase officer jeopardy.

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

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD
Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).

300.4 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.

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

(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 (CEW) 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.

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

300.6 MEDICAL 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.

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

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

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

300.8 TRAINING
Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Coordinator should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 USE OF FORCE ANALYSIS
At least annually, the Uniform Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

300.10 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)).

300.11 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)).

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

300.13 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)).
Use of Force Committee

301.1 PURPOSE AND SCOPE
This policy establishes a process for the Brea Police Department to provide an additional layer of review of certain use of force incidents involving its employees.

This review process shall be in addition to the standard use of force investigation conducted by a supervisor in all use of force incidents (Policy 300.7), and 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.

301.2 POLICY
The Brea 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.

301.3 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.

301.4 REVIEW BOARD
The Use of Force Committee will be convened following a use of force investigation in which potential training or application deficiencies have been identified, and/or if a violation of the department's use of force policy has been identified, and/or when the use of force by a member results in very serious injury or death to another.

The Use of Force Committee 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 Committee to review the circumstances surrounding any use of force incident.

The Professional Standards Lieutenant will convene the Use of Force Committee as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Professional Standards Lieutenant of any incidents requiring Committee 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 Committee.
301.4.1 COMPOSITION OF THE COMMITTEE

The Professional Standards Lieutenant shall schedule Committee meetings and notify the following five Use of Force Committee members to attend meetings when necessary:

- Uniform Division Commander
- Investigation Division Commander
- Field Training Unit Manager
- Non-administrative Police Lieutenant or Police Sergeant
- Arrest Control Training coordinator

If the use of force involved a firearm, a member of the Firearms Training staff shall be added.

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE COMMITTEE

The Use of Force Committee is empowered to conduct a review and inquiry into the circumstances of an incident.

The Committee members may request further investigation, request reports be submitted for the Committee's review, and call persons to present information, if necessary, other than the involved officer(s).

The Committee does not have the authority to recommend discipline.

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

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 determination of whether the use of force incident is within department policy and procedure shall be made during the course of the use of force investigation being conducted by the supervisor and reviewed by the division commander and Chief of Police. The Committee's review will be solely to consider whether any deficiencies in training, force application techniques or tactical
decision making were present during the incident. The Committee shall decide what, if any, further training or counseling for the involved officer(s) is necessary.

Any and all actions recommended by the Committee shall be noted into the record of the use of force investigation. Such record shall also note when recommended actions have been completed. The board chairperson will submit the written recommendation(s) to the Chief of Police, and will notify the Chief of Police when the recommendations have been implemented.
Handcuffing and Restraints

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

302.2 POLICY
The Brea 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.

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

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

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

302.3.1 RESTRAINT OF DETAINES
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.

302.3.2 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).

302.3.3 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.

302.3.4 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.

302.4 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.

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

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

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

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

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

302.6 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-approved devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 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).

302.7.1 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.
Handcuffing and Restraints

(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).

302.8 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.

302.9 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.
Handcuffing and Restraints
Control Devices and Techniques

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

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

303.3 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.

303.4 RESPONSIBILITIES

303.4.1 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.

303.4.2 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.

303.4.3 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.

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

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

303.6 TEAR GAS GUIDELINES
Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

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

303.7.1 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. The authorized OC sprays are:

- Sabre, MK-3 SabreRed Law Enforcement, OC Stream, 1.3%
- Sabre, MK-3 SabreRed Law Enforcement, OC Gel, 1.3%

303.7.2 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 by the Use of Force Policy.

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

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

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

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

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

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

Circumstances appropriate for deployment include, but are not limited to, situations in which:
(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
(b) The suspect has made credible threats to harm him/herself or others.
(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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

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

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

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

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

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

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.
When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

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

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

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

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency’s Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency’s Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 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

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of (CEW)s.

304.2 POLICY
The Conducted Energy Weapon 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.

304.3 ISSUANCE AND CARRYING (CEW)s
Only members who have successfully completed department-approved training may be issued and carry the (CEW).

(CEW)s 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 (CEW) and cartridges that have been issued by the Department. Uniformed officers who have been issued the (CEW) shall wear the device in an approved holster on their person. Non-uniformed officers may secure the (CEW) in the driver’s compartment of their vehicle.

Members carrying the (CEW) should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the (CEW) in a weak-side holster on the side opposite the duty weapon.

(a) Whenever practicable, officers should carry two or more cartridges on their person when carrying the (CEW).

(b) Officers shall be responsible for ensuring that their issued (CEW) is properly maintained and in good working order.

(c) Officers should not hold both a firearm and the (CEW) at the same time.

304.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the (CEW) 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 (CEW) may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer’s lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but
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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 (CEW). 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 (CEW) in the related report.

### 304.5 USE OF THE (CEW)

The (CEW) has limitations and restrictions requiring consideration before its use. The (CEW) should only be used when its operator can safely approach the subject within the operational range of the device. Although the (CEW) 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.

#### 304.5.1 APPLICATION OF THE (CEW)

The (CEW) 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 (CEW) to apprehend an individual.

#### 304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the (CEW) 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.
(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 (CEW) 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 (CEW) shall not be used to psychologically torment, elicit statements or to punish any individual.

304.5.3 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 (CEW) 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.

304.5.4 MULTIPLE APPLICATIONS OF THE (CEW)
Officers should apply the (CEW) for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the (CEW) 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 (CEW) appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the (CEW), 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 (CEW) at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all (CEW) discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.
304.5.6 DANGEROUS ANIMALS
The (CEW) 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.

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department (CEW)s while off-duty.

Officers shall ensure that (CEW)s 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.

304.6 DOCUMENTATION
Officers shall document all (CEW) discharges in the related arrest/crime report and the (CEW) 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.

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

(a) Identification of all personnel firing (CEW)s
(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

304.7 MEDICAL TREATMENT
Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove (CEW) probes from a person’s body. Used (CEW) 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 (CEW) probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.
(b) The person may be pregnant.
(c) The person reasonably appears to be in need of medical attention.
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(d) The (CEW) 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 (CEW).

304.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the (CEW). 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.

304.9 TRAINING

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

Proficiency training for personnel who have been issued (CEW)s 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 their immediate supervisor, Range Staff, or CEW Supervisor. All training and proficiency for (CEW)s will be documented in the officer’s training file.

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

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

The CEW Supervisor is responsible for ensuring that all members who carry (CEW)s have received initial and annual proficiency training. Periodic audits should be used for verification.
Conducted Energy Device

Application of (CEW)s during training could result in injury to personnel and should not be mandatory for certification.

The CEW Supervisor 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 (CEW) and transitioning to other force options.
(f)     De-escalation techniques.
(g)     Restraint techniques that do not impair respiration following the application of the (CEW).
Officer-Involved Shootings and Deaths

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

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

305.2 POLICY
The policy of the Brea Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

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

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

305.4 CONTROL OF INVESTIGATIONS
Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the Brea Police Department would control the investigation if the suspect’s crime occurred in City of Brea.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.
305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency’s officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting, the first uninvolved BPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.
(b) Take reasonable steps to obtain emergency medical attention for injured individuals.
(c) Request additional resources from the Department or other agencies.
(d) Coordinate a perimeter or pursuit of suspects.
(e) Check for injured persons and evacuate as needed.
(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved BPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
   1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
(b) If necessary, the supervisor may administratively order any BPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
   1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
Officer-Involved Shootings and Deaths

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
   (c) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
   (d) Take command of and secure the incident scene with additional BPD members until properly relieved by another supervisor or other assigned personnel or investigator.
   (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved BPD officer should be given an administrative order not to discuss the incident with other involved officers or BPD members pending further direction from a supervisor.
   2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

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

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

305.5.4 NOTIFICATIONS
The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Investigative Services Division Commander
- Outside agency investigator (if appropriate)
- Professional Standards Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer’s agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS
The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.
Officer-Involved Shootings and Deaths

1. Involved BPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-BPD officers should be referred to their employing agency.

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

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed psychotherapist shall be provided by the Department to each involved BPD officer. A licensed psychotherapist may also be provided to any other affected BPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer’s equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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

305.6 CRIMINAL INVESTIGATION
The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:
(a) BPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of BPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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

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

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

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

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

(a) Identification of all persons present at the scene and in the immediate area.
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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 a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.2 INVESTIGATIVE PERSONNEL
Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.7 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of BPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

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.

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, he/she should be given his/her
Lybarger or Garrity 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 Unit 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.

305.8 CIVIL LIABILITY RESPONSE
A member of this department may be assigned to work exclusively under the direction of the
legal counsel for the Department to assist in the preparation of materials deemed necessary in
anticipation of potential civil litigation.
All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

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

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

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

305.10 DEBRIEFING
Following an officer-involved shooting or death, the Brea Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING
A critical incident/stress debriefing should occur as soon as practicable. The Investigation Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Unit personnel.

305.10.2 TACTICAL DEBRIEFING
A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.
Officer-Involved Shootings and Deaths

305.11 MEDIA RELATIONS
Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigative Services Division Commander and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved BPD officer to visits by the media (Government Code § 3303(e)). No involved BPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING
If the death of an individual occurs in the Brea Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Uniform Patrol Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).
**Firearms**

306.1 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 a firearm 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.

306.2 POLICY
The Brea 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.

306.3 AUTHORIZED WEAPONS
No firearms will be carried that have not been thoroughly inspected by the Range Master or designee during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range. Any modifications to any weapons carried on duty (issued or personally purchased) must be authorized by a senior member of the Range Staff (Lt, Sgts.).

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

HANDGUNS: The authorized departmental issued handgun is the Glock Model 22, 40 caliber. The following additional handguns are approved for on-duty use:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL/S</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glock</td>
<td>21, 21SF, 41</td>
<td>.45</td>
</tr>
<tr>
<td>Glock</td>
<td>22, 23, 35</td>
<td>.40</td>
</tr>
<tr>
<td>Glock</td>
<td>17, 19, 34, 45</td>
<td>9mm</td>
</tr>
</tbody>
</table>

Any officer who had been authorized and qualified to carry one of the following weapons as of January 1, 2017 is authorized to continue to carry that weapon until separation:
Firearms

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL/S</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>H&amp;K</td>
<td>USP, USP Compact</td>
<td>.40</td>
</tr>
<tr>
<td>Sig Sauer</td>
<td>P226, P228, P229</td>
<td>.40</td>
</tr>
</tbody>
</table>

In addition to the handguns listed above, the following handguns are approved for on-duty plainclothes use:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL/S</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glock</td>
<td>26, 43X, 48</td>
<td>9mm</td>
</tr>
<tr>
<td>Glock</td>
<td>27</td>
<td>.40</td>
</tr>
<tr>
<td>Glock</td>
<td>30, 30S, 36</td>
<td>.45</td>
</tr>
</tbody>
</table>

PATROL RIFLES: In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the City of Brea Police Department will make rifles available to qualified officers as an additional and more immediate tactical resource. The following rifles are authorized for Patrol use:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL/S</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>H&amp;K</td>
<td>G36C, G36K, 416</td>
<td>5.56mm</td>
</tr>
<tr>
<td>Daniel Defense</td>
<td>DDM4V7</td>
<td>5.56mm</td>
</tr>
</tbody>
</table>

SWAT WEAPONS: In addition to previously listed authorized weapons, the following weapons are authorized for use by SWAT Team Members:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL/S</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>H&amp;K</td>
<td>G36, 416</td>
<td>5.56mm</td>
</tr>
<tr>
<td>LaRue</td>
<td>OBR</td>
<td>.308</td>
</tr>
<tr>
<td>Remington</td>
<td>700</td>
<td>.308</td>
</tr>
<tr>
<td>Benelli</td>
<td></td>
<td>12 gauge</td>
</tr>
<tr>
<td>Remington</td>
<td>870</td>
<td>12 gauge</td>
</tr>
<tr>
<td>Benelli</td>
<td>1911-style</td>
<td>.45 and 9mm</td>
</tr>
</tbody>
</table>

Under emergency circumstances and with approval of the SWAT Team Supervisor, SWAT Team Members may carry additional weapons. Any permanent changes to weapons authorized in this section must be approved by the Chief of Police.

CSU WEAPONS: In addition to weapons authorized by this policy, with the approval of the CSU Supervisor, CSU members may also carry the H&K MP-7 4.6 x 30 mm Personal Defense Weapon. The MP7 shall not be capable of fully automatic fire unless the operator has been trained and qualified in fully automatic weapons.
306.3.1 ADDITIONAL RIFLE GUIDELINES

RIFLE MAINTENANCE:

(a) Primary responsibility for maintenance of rifles shall fall on the Rangemaster or Armorer who shall inspect and service each rifle as needed.

(b) Any officer issued a rifle will be responsible for the field strip and cleaning of that rifle as needed.

(c) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned rifle to the Rangemaster or a Department Armorer.

(d) Any rifle taken out of service for maintenance will be clearly labeled as, "out of service," the label will include information as to the nature of the problem, and the rifle will be placed in the armory.

(e) Each rifle shall be subject to inspection by a supervisor, the Rangemaster, or Armorer at any time.

(f) No modification shall be made to any rifle without prior written authorization from the Rangemaster or Armorer.

TRAINING REQUIRED:

Officers shall not carry or utilize the rifle unless they have successfully completed departmental training. This training shall consist of an initial 16-hour CA POST approved short-barreled rifle course and qualification course with a CA POST certified rifle instructor. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a certified rifle instructor. Any officer who fails to qualify or who fails to successfully complete department sanctioned training/qualification sessions will no longer be authorized to carry/deploy the rifle without completing a qualification course.

DEPLOYMENT OF THE RIFLE:

Officers may deploy the 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 rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower

(d) when an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage

(e) When an officer reasonably believes that a suspect may be wearing body armor

(f) When authorized or requested by a supervisor

(g) When needed to euthanize an animal
Firearms

When not deployed, in-service patrol rifles should be secured in a vehicle, in a gun locked gun rack or locked trunk.

DISCHARGE OF RIFLE:

The discharge of the rifle shall be governed by this policy and the Department's Use of Force Policy.

PATROL READY:

Any qualified officer carrying a rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

(a) The chamber is empty
(b) The rifle bolt is forward with the hammer down
(c) There is a fully loaded magazine in the rifle with no more than 28 rounds
(d) The rifle is stored in the locked vehicle's rifle rack or trunk in an approved manner.

STORAGE OF DEPARTMENT ISSUED RIFLES

All properly trained police officers shall be issued a department-issued rifle for official on-duty use. When not on-duty, Officers have several options as to how to properly store the rifle as specified in the following Policy & Procedure, in accordance with State law. Ultimately, it is each police officer's responsibility to properly store their assigned rifle to prevent theft, prevent injury, and preserve life.

STORAGE AT THE STATION:

Police Officers who are issued a rifle shall store them in their assigned lockers inside the locker room, which shall be kept locked while the rifle is inside. Officers may store the rifle in their Patrol lockers located on P2 if they are kept in a rifle case (hard or soft) to protect it from the elements. The rifle shall be stored in an unloaded condition (magazine removed, bolt closed on a chamber safe device). All loading and unloading of rifles shall occur at one of the Super Trap clearing stations on level P2.

STORAGE IN VEHICLES:

When leaving a handgun (or rifle) in an unattended vehicle, Officers shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view (penal code § 16850; penal code § 25140; penal code § 25452). Officers are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (penal code § 25140).

STORAGE ON POLICE MOTORCYCLES:

Motor Officers assigned to the Traffic Unit shall store their rifle in the locked rifle rack on their police motorcycle. When off duty, Motor Officers may leave their rifle in the rifle rack if the Officer parks their police motorcycle in a secure garage. Regardless, Officers shall ensure that all firearms and
ammunition are locked and secured in a manner that will keep them inaccessible to children and others who should not have access.

306.3.2 AUTHORIZED SECONDARY FIREARM
Officers desiring to carry a secondary weapon are subject to the following restrictions:

(a) The weapon shall be of good quality and workmanship and subject to the approval of the Range Master or designee.

(b) The weapon is limited to the following calibers: 22,.25,.32,.380,.357,.38, 9mm,.40,.45.

(c) The caliber may not be larger than the primary duty weapon.

(d) Only one secondary weapon may be carried at a time.

(e) The purchase of the weapon shall be the responsibility of the officer.

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

(g) The weapon must have a trigger guard.

(h) It will be the responsibility of the officer to submit the weapon to the Range Master for inspection prior to being carried, and will be subject to inspection whenever deemed necessary.

(i) The Rangemaster shall sure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner. Under range supervision, the officer shall successfully qualify with the weapon prior to being carried, and thereafter once every six months. The range qualification dates will be specified by the Range Master.

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

(k) If any member desires to own more than one secondary weapon, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.(l) Ammunition shall be the same as Department issue. If the caliber of the weapon is other than Department issue, the Range Master shall approve the ammunition.

306.3.3 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:
Firearms

(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 Range Master for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Range Master 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 per 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.

(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 or supplied ammunition.

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

306.3.4 AMMUNITION
Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition as needed. Officers carrying personally owned, authorized firearms shall be issued ammunition consistent with the caliber of their handgun carried on duty. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Master when needed in accordance with established policy.

Officers shall carry, at minimum, one spare handgun magazine for their duty firearm in a magazine holder at all times, unless a supervisor authorizes an officer to not carry one if the operation or duty makes it not safe or practical (i.e.; undercover operations).

306.3.5 LASERS OR MINI RED DOT SIGHTS (MRDS)
Laser or miniature red dot sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Range Master.

(a) Any approved laser or miniature red dot sight shall only be installed in strict accordance with manufacturer specifications.
Firearms

(b) Once approved laser or miniature red dot sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

306.3.6 HOLSTERS
All sworn personnel will maintain an adequate holster as part of their duty equipment. The holster will be of high quality manufacture, without defects, and should be a type that will secure the weapon. Approval of holsters carried on duty will be left to the Range Master of his/her designee.

306.4 SAFETY CONSIDERATIONS
(a) Officers shall not unnecessarily display or handle any firearm.
(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Master. Officers shall not dry fire or practice quickdraws except under Range Master supervision.
(c) Officers 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.
(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
(f) Officers shall not use any automatic weapon, heavy-caliber rifle, gas, or other types of chemical weapons from the armory, except with the approval of a supervisor.
(g) Any weapon authorized by the department to be carried on- or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried. It shall be promptly presented to the department or Range Master for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer’s primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

306.5 STORAGE AT HOME
Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access (Penal Code § 25100).

Members shall not permit department-issued firearms to be handled by anyone who is not authorized by the Department to do so.
Members shall be aware that the negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

Each member shall read and sign the below acknowledgment regarding the storage of the issued firearm:

**PENAL CODE 25100 – CRIMINAL STORAGE OF FIREARM**

(a) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the first degree" if all of the following conditions are satisfied:

(1) The person keeps any firearm within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes death or great bodily injury to themselves or any other person.

(b) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the second degree" if all of the following conditions are satisfied:

(1) The person keeps any firearm within any premises that are under the person's custody or control.

(2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, or that a person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law is likely to gain access to the firearm.

(3) The child obtains access to the firearm and thereby causes injury, other than great bodily injury, to the child or any other person, or carries the firearm either to a public place or in violation of Section 417, or the person prohibited from possessing a firearm or deadly weapon pursuant to state or federal law obtains access to the firearm and thereby causes injury, other than great bodily injury, to themselves or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Except as provided in Section 25105, a person commits the crime of "criminal storage of a firearm in the third degree" if the person keeps any firearm within any premises that are under the person's custody or control and negligently stores or leaves a firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child.
I acknowledge that I have received, read, and understand this Policy and Procedure and I agree to abide by its requirements regarding department-issued rifles.

Officer Name: _______________________________          ID: _______________________
Signature:  ______________________________                  Date: _______________________

306.6   FIREARMS QUALIFICATIONS
All sworn personnel are required to qualify with their duty weapon on an approved range course semiannually. Unless otherwise directed, the approved qualification course will be held in January, and July. The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, and training. In addition to the above, all sworn officers and sergeants are required to participate in Simunition training once a year, and live fire training (in addition to the required semiannual qualification) six times a year. Any officer failing to meet the minimum requirements, absent a verified excused miss, i.e. IOD, prolonged injury, prearranged authorized permission, etc. will be subject to discipline. To best serve the needs of sworn personnel, Simunition training will be offered twice a year, and live fire training (in addition to the required semiannual qualification) will be offered 8 times a year. At least annually, all personnel carrying a firearm will receive training on the Department Use of Force policy.

306.6.1   NON QUALIFICATION
Officers failing to qualify with their primary sidearm after the two allotted attempts will be issued a Range Letter and entered into the Remedial Firearms Training program.

(a) Remedial Firearms Training-Stage 1 1. 2 weeks to complete. 2. Minimum 2 hours, 100 rounds per hour. Training will include basic marksmanship skills, and use of equipment. Training will be conducted by an approved City of Brea PD Rangemaster. 3. At the end of the 2 week period, or upon completion of the minimum requirements, the officer will be given 2 attempts to qualify with their firearm. 4. Officers failing to qualify in stage 1 will be issued a Training Interview for failing to maintain minimum professional standards essential to the performance of their duty and may be removed from fieldwork, pending completion of the steps outlined in this policy.

(b) Remedial Firearms Training-Stage 2 1. 2 weeks to complete. 2. Minimum 4 hours, 100 rounds per hour. Training will include basic marksmanship skills, and use of equipment. Training will be conducted by an approved City of Brea PD Rangemaster. 3. At the end of the 2 week period, or upon completion of the minimum requirements, the officer will be given 2 attempts to qualify with their firearm. 4. Officers failing to qualify after completing stage 2 will be issued a written reprimand and may be removed from fieldwork until completion of the steps outlined in this policy.

(c) Remedial Firearms Training-Stage 3 1. Officers will be directed to attend a minimum 8hr, maximum 40-hour, handgun marksmanship class, provided by an outside entity, at the expense of the agency. 2. Within 36 hours of the completion of the class, the officer will be given 2 attempts to qualify with their firearm. 3. Officers failing to qualify with their firearm after completing stage 3
Firearms may be subject to discipline up to, and including dismissal. Officers who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

306.7 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe.

306.8 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 which is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

306.10 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, (CEW), 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.

306.10.1 INJURED ANIMALS
With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.
306.11 FIREARMS DISCHARGE
Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

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.

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.

306.12 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 member 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 firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

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

The Rangemaster shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.
306.13 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 Brea 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 Brea Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Brea Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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

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

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

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(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 through the flight captain, ground security manager, TSA representative, or other management representatives of the air carrier.

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

306.14 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 Brea Police Department identification card whenever carrying such a 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 sworn peace officers from other states are subject to all requirements set forth in 18 USC § 926B.
Vehicle Pursuits

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

307.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and officer vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

307.2.2 WHEN TO TERMINATE A PURSUIT
Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.
Vehicle Pursuits

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

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

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

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

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

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

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

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

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

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

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

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

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

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

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.3.4 SECONDARY UNIT RESPONSIBILITIES
The second officer in the pursuit will be designated as the secondary unit and is responsible for:
Vehicle Pursuits

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

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

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

307.3.6 PURSUIT TRAILING
In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.
307.3.7 AIR SUPPORT ASSISTANCE
When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

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

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

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

307.4 SUPERVISORY CONTROL AND RESPONSIBILITIES
Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

(a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

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

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

(d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

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

(h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
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(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(j) Controlling and managing Brea Police Department units when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

307.4.1 WATCH COMMANDER RESPONSIBILITIES

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

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

307.5 DISPATCH

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

307.5.1 DISPATCH RESPONSIBILITIES

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

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

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

(g) Assigning an incident number and logging all pursuit activities.

307.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.
307.6 INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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

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

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

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

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

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.
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In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

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

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

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

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

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

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

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

(d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:

1. The technique should only be used by officers who have received training in the technique.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.

(e) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

(f) Roadblocks should only be used after considering the following:

1. Roadblocks should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.

5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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

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

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

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

(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

(c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor’s Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved units and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Any use of force that occurred during the vehicle pursuit.
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(a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).

8. Any injuries and/or medical treatment.

9. Any property or equipment damage.

10. Name of supervisor at scene or who handled the incident.

(d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
The Training Coordinator shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, and no less than annual training addressing:

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

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

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

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

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

308.2 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.

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

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

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

308.3.1 NUMBER OF UNITS ASSIGNED
Normally, only one unit should respond to an emergency call Code-3, however; a second unit may also be appropriate based on the circumstances or nature of the incident. The Watch Commander or the field supervisor shall authorize the increase or decrease of the number of units responding Code-3 at any time.
**308.4 INITIATING CODE 3 RESPONSE**
If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Dispatch shall notify and the Watch Commander or field supervisor who will make a determination as to whether driving Code-3 is appropriate.

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

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

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

**308.6 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

**308.7 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
Officer Response to Calls

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

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

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

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

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

308.8 FAILURE OF EMERGENCY EQUIPMENT

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

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

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

309.3 ASSIGNMENT
Canine teams should be assigned to assist and supplement the Uniform Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

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

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining a liaison with the vendor kennel.
(c) Maintaining a liaison with command staff and functional supervisors.
(d) Maintaining a liaison with other agency canine coordinators.
(e) Maintaining accurate records to document canine activities.
(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
(g) Scheduling all canine-related activities.
(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
309.5 REQUESTS FOR CANINE TEAMS
Uniform Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Uniform Patrol Division shall be reviewed by the Watch Commander.

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.
(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
(c) Calling out off-duty canine teams is discouraged.
(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

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

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

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

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

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

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

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

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

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

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
309.6.2 WARNINGS AND ANNOUNCEMENTS
Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES
Handlers should document canine deployments in the electronic canine reporting system. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in the electronic reporting system.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

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

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under
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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

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

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

309.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the City of Brea City limits.

(e) Agreeing to be assigned to the position for a minimum of four years.

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Brea Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

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

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
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(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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

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

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

309.10 HANDLER COMPENSATION
The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the canine electronic reporting system.

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

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

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

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

(a) Canine teams should receive training as defined in the current contract with the Brea
 Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the
 canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is
 authorized to train to a standard that is not reviewed and approved by the Department.

309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING
Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks
 the team is not certified to perform until graduation or certification is achieved. When reasonably
 practicable, pending successful certification, the canine handler shall be temporarily reassigned
 to regular patrol duties.

309.12.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler's training file and the canine's
 electronic training file via the canine electronic reporting system.

309.12.4 TRAINING AIDS
Training aids are required to effectively train and maintain the skills of canines.
 Officers possessing, using or transporting controlled substances or explosives for canine training
 purposes must comply with federal and state requirements. Alternatively, the Brea Police
 Department may work with outside trainers with the applicable licenses or permits.

309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS
Officers acting in the performance of their official duties may possess or transfer controlled
 substances for the purpose of narcotics-detection canine training in compliance with state and
 federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to
 allow controlled substances seized by the Brea Police Department to be possessed by the member
 or a narcotics-detection canine trainer who is working under the direction of this department for
 training purposes, provided the controlled substances are no longer needed as criminal evidence.
As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.12.6 CONTROLLED SUBSTANCE PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded in the canine electronic reporting system and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.12.7 EXPLOSIVE TRAINING AIDS
Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
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(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

d) Only members of the canine team shall have access to the explosive training aids storage facility.

e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
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310.1 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.

310.1.1 DEFINITIONS
Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY
The Brea Police Department’s response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims’ and offenders’ access to appropriate civil remedies and community resources whenever feasible.

310.3 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.

310.4 INVESTIGATIONS
The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
Domestic Violence

(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 Detective Bureau in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.
Domestic Violence

310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

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

310.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:
   1. Voluntary separation of the parties.
   2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
(b) Document the resolution in a report.

310.5 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).

310.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.
Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### 310.7 FOREIGN COURT ORDERS
Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

### 310.8 VERIFICATION OF COURT ORDERS
Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
   1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.
   1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.
310.9 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

310.9.1 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person’s arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person’s arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person’s arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender’s child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.
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(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer’s presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

310.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person’s parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.9.3 PUBLIC ACCESS TO POLICY

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

310.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
Domestic Violence

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

310.9.5 RECORD-KEEPING AND DATA COLLECTION
This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

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

311.1 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 Brea Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY
It is the policy of the Brea 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.

311.3 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.
311.4 SEARCH PROTOCOL
Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.

2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

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

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

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

312.1 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 Brea Police Department (34 USC § 11133).

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

312.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

**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.
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(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.

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).

312.2 POLICY
The Brea 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 Brea Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Brea 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 Brea Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).
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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).

312.3.1 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).

312.3.2 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).

312.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the Brea 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 Brea 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 Brea Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

312.4.1 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 Brea 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.

312.4.2 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
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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

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

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

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

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.
(b) Released to a parent or other responsible adult after processing at the Department.
(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).

312.5 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 (Welfare and Institutions Code § 625).
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Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1(d)).

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

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

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

312.7 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(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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 Brea Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-
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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).

312.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the Brea 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 Brea Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Brea 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.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
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(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).

312.9 RELIGIOUS ACCOMMODATION
Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

312.10 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 Brea 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).

312.11 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the Brea 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 Brea Police Department.

312.12 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
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(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type, and number of other individuals in custody at the facility

Members of this department 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).

312.12.1 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)).

(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.
312.13 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 Brea Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigative Services 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.

312.14 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.

312.14.1 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.
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(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).

312.15 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 Detective 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

312.16 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.
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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 Brea 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 Supervisor and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

312.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Uniform Patrol Division Commander shall coordinate the procedures related to the custody of juveniles held at the Brea Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).
Adult Abuse

313.1 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 Brea Police Department members as required by law.

313.1.1 DEFINITIONS
Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult’s care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

313.2 POLICY
The Brea Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 INVESTIGATIONS AND REPORTING
All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:
   1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
   2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
   3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
   4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

313.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

313.5 MANDATORY NOTIFICATION
Members of the Brea Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have
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knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
(g) The District Attorney’s office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

   1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Detective Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney’s Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

313.5.1 NOTIFICATION PROCEDURE
Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

   (a) The name of the person making the report.
   (b) The name and age of the elder or dependent adult.
   (c) The present location of the elder or dependent adult.
   (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
   (e) The nature and extent of the condition of the elder or dependent adult.
   (f) The date of incident.
   (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.
313.6   PROTECTIVE CUSTODY
Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

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

313.7   INTERVIEWS

313.7.1   PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2   DETAINING VICTIMS FOR INTERVIEWS
An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:
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(a) Exigent circumstances exist, such as:
   1. A reasonable belief that medical issues of the adult need to be addressed immediately.
   2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS
When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult’s transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

   (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
   
   (b) Notify the Detective Bureau supervisor so an interagency response can begin.

313.9.1 SUPERVISOR RESPONSIBILITIES
The Detective Bureau supervisor should:

   (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

   (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime
scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

313.10 RECORDS BUREAU RESPONSIBILITIES
The Records Bureau is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

313.11 JURISDICTION
The Brea Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

313.12 TRAINING
The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

313.12 RELEVANT STATUTES
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)**

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

**Welfare and Institutions Code § 15610.05**

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

**Welfare and Institutions Code § 15610.06**

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

**Welfare and Institutions Code § 15610.30**

(a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
(d) For purposes of this section, “representative” means a person or entity that is either of the following:

   (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.
   
   (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

   (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
   
   (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
   
   (3) False imprisonment, as defined in Section 236 of the Penal Code.
   
   (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

   (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
   
   (2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

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

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to
(4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation,
substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section
245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of
the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following
conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions
of a physician and surgeon licensed in the State of California, who is providing medical care
to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.
Discriminatory Harassment

314.1 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.

314.2 POLICY
The Brea 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.

314.3 DEFINITIONS
Definitions related to this policy include:

314.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.
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314.3.2 RETALIATION
Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.3.3 SEXUAL HARASSMENT
The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person’s sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.4 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- Bona fide requests or demands by a supervisor that the member improve the member’s work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member’s immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or
Discriminatory Harassment

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

314.4.2 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.3 SUPERVISOR’S ROLE
Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

314.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate
any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION
Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION
If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Director of Human Resources, or the City Manager.

314.5.3 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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

(a) Approve by the Chief of Police, the City Manager, or the Director of Human Resources, depending on the ranks of the involved parties.
(b) Maintained in accordance with the department's established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 WORKING CONDITIONS
The Uniform Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

314.8 TRAINING
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

314.8.1 STATE-REQUIRED TRAINING
The Training Coordinator should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Coordinator should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

314.8.2 TRAINING RECORDS
The Training Coordinator shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).
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314.9 REQUIRED POSTERS
The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).
Child Abuse

315.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Brea Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

315.1.1 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).

315.2 POLICY
The Brea Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

315.3 MANDATORY NOTIFICATION
The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child’s welfare, or

(b) A person responsible for the child’s welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney’s office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).
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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

315.3.1 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.

315.4 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).

315.5 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
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(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.5.1 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).

315.6 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.
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.

315.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW
An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.
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315.6.2 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.

315.7 INTERVIEWS

315.7.1 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.

315.7.2 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.

315.7.3 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).

315.8 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency
having legal custody of the child. The officer should also arrange for the child’s transportation to
the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent
for the medical examination, officers should notify a supervisor before proceeding. If exigent
circumstances do not exist or if state law does not provide for officers to take the child for a
medical examination, the notified supervisor should consider obtaining a court order for such an
examination.

315.9 DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to
meet the immediate and longer-term medical and safety needs of children exposed to the
manufacturing, trafficking or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES
The Detective Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law
enforcement agencies, medical service providers and local prosecutors to develop
community specific procedures for responding to situations where there are children
endangered by exposure to methamphetamine labs or the manufacture and trafficking
of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective
Bureau supervisor that the officer has responded to a drug lab or other narcotics crime
scene where a child is present or where evidence indicates that a child lives there.

(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.

315.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where
there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using
photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:
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315.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

315.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)
Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California’s CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

315.10.3 CACI HEARING OFFICER
The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person’s name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

315.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports
(b) Statements by investigators
(c) Statements from representatives of the District Attorney’s Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party’s name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the
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.

315.10.5 CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

315.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
Missing Persons

316.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

316.1.1 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).

316.2 POLICY
The Brea 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 Brea 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).

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS
The Investigative Services 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)
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- 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

316.4 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).

316.5 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).
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.

316.6 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.

316.6.1 SUPERVISOR RESPONSIBILITIES
The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Bureau.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS BUREAU 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).
(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 Detective 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).

316.7 DETECTIVE BUREAU FOLLOW-UP
In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

2. The investigator should meet with school officials 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 Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not 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).
(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).

316.8 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General’s Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

316.8.1 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.

316.9 CASE CLOSURE
The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of City of Brea or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
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(c) If this department is not the lead agency, the case can be made inactivate 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.

316.10 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

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Brea Police Department should notify their supervisor, Watch Commander or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the 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 Division Commander

317.4 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.

317.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):
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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child’s safe recovery.

317.4.2 PROCEDURE FOR AMBER ALERT
The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:
   1. The child's identity, age and description
   2. Photograph if available
   3. The suspect's identity, age and description, if known
   4. Pertinent vehicle description
   5. Detail regarding location of incident, direction of travel, potential destinations, if known
   6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
   7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETs).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:
   1. The local FBI office
   2. National Center for Missing and Exploited Children (NCMEC)

317.5 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.
317.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

317.5.2 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

317.6 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).
317.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
(b) The department has utilized all available local resources.
(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

317.7 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 Detective 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 Brea 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.
Public Alerts

317.8 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).

317.8.1 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.

317.8.2 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

318.1 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.

318.2 POLICY
The Brea Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Brea 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.

318.3 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 Brea 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.

318.3.1 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 Brea Police Department jurisdiction (Penal Code § 680.2).
Victim and Witness Assistance

318.4 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.

318.4.1 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).

318.5 VICTIM INFORMATION
The Crimes Against Persons Detective 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.
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).

318.6 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

319.1  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 Brea 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).

319.1.1  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.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
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**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** - Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) 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 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 Crimes

**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:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
319.2 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.

319.3 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
incidents.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate
incidents. Hate incidents should be investigated and documented as part of an overall strategy to
prevent hate crimes.

319.3.1 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
Hate Crimes

Hate 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 Bureau 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 Bureau 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.

319.3.2 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:
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.

319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

319.4.1 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.
(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).

319.4.2 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.
   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.
(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).


(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.

319.4.3 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).
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(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.

319.5 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.

319.6 APPENDIX
See attachments:

Statutes and Legal Requirements.pdf
Hate Crime Checklist.pdf
Standards of Conduct

320.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the Brea 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.

320.2 POLICY
The continued employment or appointment of every member of the Brea Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 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.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.
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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 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.

320.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
(b) Disobedience of any legal directive or order issued by any department member of a higher rank.
(c) Violation of federal, state, local or administrative laws, rules or regulations.
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320.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Brea Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this department.

   (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
   1. While on department premises.
   2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
   3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:
   1. Unauthorized attendance while on-duty at official legislative or political sessions.
   2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law
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enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.
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(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Information Technology Use

321.1 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.

321.1.1 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 Brea 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.

321.2 POLICY
It is the policy of the Brea 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.

321.3 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.
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).

321.4 RESTRICTED USE
Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.
321.4.3 INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail, and data files.

321.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 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.

321.6 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.
Report Preparation

323.1 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.

323.1.1 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.

323.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

323.2.1 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:
   (a) Use of Force Policy
   (b) Domestic Violence Policy
323.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
(e) Any found property or found evidence
(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(g) Suspicious incidents that may indicate a potential for crimes against children or that a child’s safety is in jeopardy
(h) All protective custody detentions
(i) Suspicious incidents that may place the public or others at risk
(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

323.2.3 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.

323.2.4 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.

323.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose
(b) Attempted suicide
(c) The injury is major/serious, whereas death could result
(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.
(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
   1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
(c) Misdemeanor vandalism with no suspect information and no hate crime implications.
(d) Vehicle burglaries with no suspect information or evidence.
(e) Stolen vehicle attempts with no suspect information or evidence.
(f) Annoying telephone calls with no suspect information.
(g) Identity theft without an identifiable suspect.
(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
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(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.3 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.

323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

323.3.2 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.

323.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report via the electronic report writing system stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

323.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

323.6 ELECTRONIC SIGNATURES
The Brea Police Department has established an electronic signature procedure for use by all employees of the Brea Police Department. The Uniform Patrol Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.
Report Preparation

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.
Media Relations

324.1 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.

324.2 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.

324.2.1 MEDIA REQUEST
Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

324.3 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
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.

324.3.1 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.

324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the
safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

324.4.1 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.
Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the Brea Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY
Brea Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS
Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
Subpoenas and Court Appearances

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Brea Police Department.
(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Brea Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
(b) Dress in the department uniform or business attire.
Subpoenas and Court Appearances

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.
Outside Agency Assistance

326.1 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.

326.2 POLICY
It is the policy of the Brea 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.

326.3 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.

326.3.1 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 Brea Police Department shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE
If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.
Outside Agency Assistance

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.5 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.

326.6 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 Uniform 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 Dispatch 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.
Registered Offender Information

327.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Brea 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.

327.2 POLICY
It is the policy of the Brea 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.

327.3 REGISTRATION
The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

327.3.1 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.).

327.4 MONITORING OF REGISTERED OFFENDERS
The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
(b) Review of information on the California DOJ website for sex offenders.
(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.
Registered Offender Information

The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Brea Police Department personnel, including timely updates regarding new or relocated registrants.

327.5 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 Brea Police Department’s website. Information on sex registrants placed on the Brea Police Department’s website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (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.

327.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name
(b) The offender’s known aliases
(c) The offender’s sex
(d) The offender’s race
(e) The offender’s physical description
(f) The offender’s photograph
(g) The offender’s date of birth
(h) Crimes resulting in the registration of the offender under Penal Code § 290
(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

327.5.2 RELEASE NOTIFICATIONS
Registrant information that is released should include notification that:
Registered Offender Information

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Major Incident Notification

328.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

328.2 POLICY
The Brea Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent City of Brea official
- Arrest of a department employee or prominent City of Brea official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

328.4 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

328.4.1 STAFF NOTIFICATION
In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.
Major Incident Notification

328.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

328.4.3 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

328.4.4 PUBLIC INFORMATION OFFICER (PIO)
The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.
Death Investigation

329.1 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.

329.2 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.

329.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).
(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.

329.2.2 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.

329.2.3 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.
329.2.4 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.

329.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

329.2.6 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.

329.2.7 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)).
Emergency Deployment Schedule (EDS)

330.1 PURPOSE AND SCOPE
In the event of an ongoing crisis or emergency, it may become necessary for members of the police department to maintain an increased presence in the community. This Emergency Deployment Schedule (EDS) permits police personnel to work 12.5 hours on, 11.5 hours off, with no days off.

330.1.1 EMERGENCY SITUATIONS
An emergency situation may include natural disasters such as earthquake, fire or flood, or manmade occurrences such as civil disobedience, terrorist attack, or major criminal incidents. When such incidents occur, or potentially may occur, in or near our jurisdiction, and normal deployment may be unable to adequately control the situation, EDS may be implemented upon the order of the Chief of Police or his designate.

330.2 PROCEDURE
When implemented, personnel will be notified via telephone or other available means. If telephones are not operable, members of the department are expected to listen to radio news channels for information regarding specific requests from cities for personnel response. Notification will include when the schedule goes into effect (immediately or at a specific time).

Whenever possible, implementation will start at an EDS shift "start time".

330.2.1 ACTIVATION
An immediate activation will require members to respond without delay if the time of implementation falls within their assigned shift on the EDS. The watch commander may deviate from this schedule for individual officers who are already on duty when the EDS is implemented if his or her total hours worked would be excessive.

The plan intentionally splits personnel from various divisions so that members from every division are present 24 hours a day.

330.2.2 DETECTIVES
Detectives assigned to regional teams are also expected to respond when EDS is implemented. The watch commander or his or her designee must approve any exceptions.
330.2.3 ACCESS
In the event of earthquake or flood, when access routes may be blocked, this emergency response plan may be modified. Department members who reside within or immediately adjacent to our jurisdiction, may be directed to respond immediately to assist our community.

330.2.4 RESERVE OFFICERS
Reserve police officers may be called and scheduled by the on-duty watch commander. All department members will respond in uniform.

330.2.5 EXCEPTIONS
Part-time personnel and Administrative Staff are not included in this schedule and will work hours as assigned by the Chief of Police or his designate.

330.3 SCHEDULE

330.3.1 0600-1830
(a) Day Shift Patrol
(b) Detectives: Crimes Property, Off Site Task Force Members, and SIU
(c) Day Shift Lieutenants
(d) Records: Supervisor, Senior A, Tech C, and Court Liason
(e) Property & Evidence Technicians
(f) Day Shift Dispatchers
(g) Detective Secretary
(h) Traffic Units and Traffic Sergeant
(i) Admin Lt/PIO

330.3.2 1800-0630
(a) Night Shift Patrol Officers
(b) School Resource Officer
(c) CSU
(d) Downtown Officer
(e) PSO's
(f) PM Lieutenant s
(g) Night Shift Dispatchers
Emergency Deployment Schedule (EDS)

(h) Detectives (Crimes Persons)

(i) Jailers

(j) Records Techs: Senior B, Tech A, Tech B, and Tech D
Identity Theft

330.1 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.

330.2 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 department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Communications with Persons with Disabilities

331.1 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.

331.1.1 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.

331.2 POLICY
It is the policy of the Brea 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.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Uniform Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Brea Police Department’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.
Communications with Persons with Disabilities

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
   1. Contact information
   2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.
Communications with Persons with Disabilities

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems. Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.
(b) The nature, length and complexity of the communication involved.
(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Brea 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.

331.6 TYPES OF ASSISTANCE AVAILABLE
Brea 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.

331.7 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.

331.8 QUALIFIED INTERPRETERS
A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.
(b) Experienced in providing interpretation services related to law enforcement matters.
(c) Familiar with the use of VRS and/or video remote interpreting services.
(d) Certified in either American Sign Language (ASL) or Signed English (SE).
(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 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.
Communications with Persons with Disabilities

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.

331.10 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.

331.11 FAMILY AND FRIENDS
While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING
Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.
Communications with Persons with Disabilities

331.13 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 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.

331.14 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
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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee’s health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.
Communications with Persons with Disabilities

331.18 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.

331.18.1 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 Dispatch 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.
Private Persons Arrests

332.1 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.

332.2 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.

332.3 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.

332.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person’s arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
Private Persons Arrests

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

332.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Anti-Reproductive Rights Crimes Reporting

333.1 PURPOSE AND SCOPE
This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

333.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

333.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Limited English Proficiency Services

334.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 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 Brea 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).

334.2 POLICY
It is the policy of the Brea 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.

334.3 LEP COORDINATOR
The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Uniform Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:
Limited English Proficiency Services

(a) Coordinating and implementing all aspects of the Brea Police Department’s LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
   1. Languages spoken
   2. Contact information
   3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 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:
Limited English Proficiency Services

(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.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE
Brea 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.

334.6 WRITTEN FORMS AND GUIDELINES
Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 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.

334.8 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.
Limited English Proficiency Services

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.

334.9 AUTHORIZED INTERPRETERS
Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 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.
334.9.2 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.

334.10 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.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Brea Police Department will take reasonable steps and will work with the Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.11.1 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 Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller’s language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.
Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.12 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.

334.13 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 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.
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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.

334.14 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.

334.15 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.

334.16 COMPLAINTS
The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

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.

334.17 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.
334.18 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 Field 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.

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS
All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
Mandatory Employer Notification

335.1 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.

335.2 POLICY
The Brea Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

335.3 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.

335.3.1 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).

335.3.2 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).

335.3.3 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).

335.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

335.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).
Biological Samples

336.1 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.

336.2 POLICY
The Brea 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.

336.3 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.

336.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

336.4.1 COLLECTION
The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.
336.5 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person’s parole or probation officer when applicable.
(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
(c) The judge at the person’s next court appearance.
(d) The person’s attorney.
(e) A chaplain.
(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.
(h) When all efforts to obtain voluntary compliance have been exhausted and a court order for the biological sample has been obtained, the Watch Commander or Field Supervisor may authorize the use of the Restraint Chair.

The supervisor shall review and approve any plan to use force and be present to document the process.

336.5.1 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).

336.5.2 CELL EXTRACTIONS
If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

336.6 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:
336.6.1 DOCUMENTATION RELATED TO FORCE
The Watch Commander 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.

336.6.2 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)).

336.6.3 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.
Chaplains

337.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Brea Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

337.2 POLICY
The Brea Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

337.3 ELIGIBILITY
Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
(b) Managing their households, families and personal affairs well.
(c) Having a good reputation in the community.
(d) Successful completion of an appropriate-level background investigation.
(e) A minimum of five years of successful counseling experience.
(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

337.4 RECRUITMENT, SELECTION AND APPOINTMENT
The Brea Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

337.4.1 SELECTION AND APPOINTMENT
Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.
(b) Include a recommendation from employers or volunteer programs.
(c) Interview with the Chief of Police and the chaplain coordinator.
(d) Successfully complete an appropriate-level background investigation.
(e) Complete an appropriate probationary period as designated by the Chief of Police.
Chaplains

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

337.5 IDENTIFICATION AND UNIFORMS
As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of “Chaplain” on the uniform and not reflect any religious affiliation.

Chaplains will be issued Brea Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Brea Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

337.6 CHAPLAIN COORDINATOR
The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.
(b) Conducting chaplain meetings.
(c) Establishing and maintaining a chaplain callout roster.
(d) Maintaining records for each chaplain.
(e) Tracking and evaluating the contribution of chaplains.
(f) Maintaining a record of chaplain schedules and work hours.
Chaplains

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

337.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Uniform Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Brea Police Department.

337.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

337.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Brea Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Brea Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
Chaplains

(h) Chaplains shall serve only within the jurisdiction of the Brea Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

337.7.3 ASSISTING DEPARTMENT MEMBERS
The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

337.7.4 ASSISTING THE DEPARTMENT
The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

337.7.5 ASSISTING THE COMMUNITY
The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.
Chaplains

(c) Providing liaison with various civic, business and religious organizations.
(d) Promptly facilitating requests for representatives or leaders of various denominations.
(e) Assisting the community in any other function as needed or requested.
(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

337.7.6  CHAPLAIN MEETINGS
All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

337.8  PRIVILEGED COMMUNICATIONS
No person who provides chaplain services to members of the Department may work or volunteer for the Brea 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, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Brea Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

337.9  TRAINING
The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Coordinator, may include:

• Stress management
• Death notifications
• Symptoms of post-traumatic stress
• Burnout for members of law enforcement and chaplains
• Legal liability and confidentiality
• Ethics
• Responding to crisis situations
• The law enforcement family
• Substance abuse
• Suicide
• Officer injury or death
Chaplains

- Sensitivity and diversity
Child and Dependent Adult Safety

338.1 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 Adult Abuse policies.

338.2 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 Brea 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.

338.3 PROCEDURES DURING AN ARREST
When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.
Child and Dependent Adult Safety

338.3.1 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.

338.3.2 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)).
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.

338.3.3 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

338.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

338.4 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.

338.5 TRAINING
The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).
Service Animals

339.1 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).

339.1.1 DEFINITIONS
Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

339.2 POLICY
It is the policy of the Brea Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with
Service Animals

schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

339.4 MEMBER RESPONSIBILITIES
Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Brea Police Department affords to all members of the public (28 CFR 35.136).
Volunteer Program

340.1 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.

340.1.1 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.

340.2 VOLUNTEER MANAGEMENT

340.2.1 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.
340.2.2 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.

340.2.3 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.

340.2.4 SELECTION AND PLACEMENT
Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.
Volunteer Program

340.2.5 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.

340.2.6 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.

340.2.7 DRESS CODE
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.
Volunteer Program

340.3 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.

340.4 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.

340.5 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.
Volunteer Program

340.5.1 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.

340.5.2 RADIO AND MDC USAGE
Volunteers shall successfully complete CLETS and radio procedures training prior to using the
police radio or MDC and comply with all related provisions. The Volunteer Coordinator should
ensure that radio and CLETS training is provided for volunteers whenever necessary.

340.6 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.

340.6.1 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.

340.7 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

341.1 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 Brea Police Department with respect to taking law enforcement action while off-duty.

341.2 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.

341.3 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 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 or medications or any combination thereof that would tend to adversely affect the officer’s senses or judgment.

341.4 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.
(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.

341.4.1 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 a Brea Police Department officer until acknowledged. Official identification should also be displayed.

341.4.2 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.

341.4.3 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.

341.4.4 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.

341.5 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.
Gun Violence Restraining Orders

342.1 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).

342.1.1 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).

342.2 POLICY
It is the policy of the Brea Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

342.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request a temporary order (Penal Code § 18140).

342.3.1 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).

342.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS
An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

342.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS
An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

(a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

(b) Serve the order on the restrained person if the person can be reasonably located.

(c) Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.
Gun Violence Restraining Orders

342.5 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.

342.6 RECORDS SUPERVISOR RESPONSIBILITIES
The Records Supervisor, or their designee, 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).
Gun Violence Restraining Orders

342.7 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.

342.8 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.

342.9 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.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.

8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).

2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.

3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).

4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.

5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(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).

342.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS
The Detective 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).

342.11 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).
Gun Violence Restraining Orders

342.12 TRAINING
The Training Coordinator should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY
The Brea 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.

400.3 FUNCTION
Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of City of Brea. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.
(b) Apprehending criminal offenders.
(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
(e) Responding to reports of criminal and non-criminal acts.
(f) Responding to routine calls for service, such as public assistance or public safety.
(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
(i) Directing and controlling traffic.

400.4 INFORMATION SHARING
To the extent feasible, all information relevant to the mission of the 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.

400.5 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.
Bias-Based Policing

401.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the Brea Police Department’s commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS
Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on 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 affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY
The Brea Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED
Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.
401.4 MEMBER RESPONSIBILITIES
Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS
The exception under 11 CCR 999.227 does not required an agency the size of the Brea Police Department to comply with reporting guidelines until April 1, 2023.

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

   (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
      1. Supervisors should document these discussions, in the prescribed manner.
   (b) Supervisors may periodically review MAV recordings, portable audio recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
      (a) Supervisors shall document these periodic reviews.
      (b) Recordings or data that capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes.
   (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
   (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.
Bias-Based Policing

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

401.7 ADMINISTRATION
Each year, the Uniform Division Commander shall review with the Training Coordinator that all officers are in compliance with bias-based policing training. In addition, a review will be conducted with the Professional Standards Lieutenant of all citizen complaints from the previous year for any violations or concerns of bias-based policing. A memo will be submitted to the Chief of Police outlining any public concerns, complaints or identified training issues for consideration of changes in training or operations to improve service to the community.

401.8 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Unit.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).
Briefing Training

402.1 PURPOSE AND SCOPE
Briefing training is generally conducted at the beginning of the officer’s assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
(b) Notifying officers of changes in schedules and assignments
(c) Notifying officers of new Departmental Directives or changes in Departmental Directives
(d) Reviewing recent incidents for training purposes
(e) Providing training on a variety of subjects

402.2 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.

402.3 RETENTION OF BRIEFING TRAINING RECORDS
Briefing training materials and a curriculum or summary shall be recorded in the Watch Commander's Log for record keeping and tracking purposes, as appropriate.
Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY
It is the policy of the Brea 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.

403.3 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.

403.4 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.
403.5 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.

403.5.1 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.

403.6 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

404.1 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).

404.1.1 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.

404.1.2 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.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 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.

404.2.2 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
least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

404.2.3 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.

404.3 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.

404.3.1 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 Commander or his/her designee.

404.3.2 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.
(h) Out-of-jurisdiction response.
404.3.3 OPERATIONAL PROCEDURES
This department shall develop a separate written set of operational procedures in accordance with
the determination of their level of capability, using sound risk reduction practices. The operational
procedures should be patterned after the National Tactical Officers Association Suggested SWAT
Best Practices. Because such procedures are specific to CRU members and will outline tactical
and officer safety issues, they are not included within this policy. The operational procedures
should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior
to, and/or during SWAT operations (time permitting).
   1. All SWAT team members should have an understanding of operational planning.
   2. SWAT team training should consider planning for both spontaneous and planned
events.
   3. SWAT teams should incorporate medical emergency contingency planning as
      part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances
    require immediate deployment.
    1. When possible, briefings should include the specialized units and supporting
       resources.

(c) Protocols for a sustained operation should be developed which may include relief,
    rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a
    means of conducting a threat assessment to determine the appropriate response and
    resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as
    high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably
    foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior
    to selecting the method of response.

(h) Post incident scene management including:
   1. Documentation of the incident.
   2. Transition to investigations and/or other units.
   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.

404.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.4.1 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.

404.4.2 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.

404.4.3 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.

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.
404.4.4 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.

404.4.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

404.4.6 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.
404.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Professional Standards Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 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.

404.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.5.3 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.

404.5.4 OPERATIONAL READINESS INSPECTIONS
The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander 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.

404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Uniform Patrol Division Commander, the Crisis Response Unit shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS
The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.
(a) The Negotiation Team supervisor’s primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

(b) The Special Weapons and Tactics Team supervisor’s primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

404.7 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.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, 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.

404.7.2 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.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 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.

404.8.1 SELECTION OF PERSONNEL
Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
   1. Recognized competence and ability as evidenced by performance;
   2. Demonstrated good judgment and understanding of critical role of SWAT member;
   3. Special skills, training, or appropriate education as it pertains to this assignment; 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 CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
(d) 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.

(e) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

404.8.2 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 CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.9 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 CRU Commander.

404.9.1 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 Commander, he/she will notify the CRU Commander.

404.9.2 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.

404.9.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Brea Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.
404.9.4 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 Brea Police Department SWAT team shall operate under the policies, procedures and command of the Brea Police Department when working in a multi-agency situation.

404.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT
The On-Scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander’s office by the CRU Commander. The Watch Commander will then notify the Uniform Patrol Division Commander as soon as practical.

The Watch Commander should advise the CRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected officers to respond.

404.9.6 FIELD UNIT RESPONSIBILITIES
While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the CRU Commander on the situation.

(g) Plan for, and stage, anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

404.9.8 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.
North County SWAT

404.1 PURPOSE AND SCOPE
North County SWAT is the parent organization comprised of individual agency Special Weapons and Tactics teams, Crisis Negotiation teams, Tactical Dispatchers and other assigned personnel from the following police agencies: Brea, California State University Fullerton, Fullerton, La Habra, La Palma, and Placentia. In addition, specially trained paramedics from the above-represented city Fire Departments are assigned to serve the team as Tactical Paramedics.

The team is established to pool personnel and equipment resources while providing specialized support in handling critical field operations where intense negotiations or special tactical deployment methods are required. This policy is established to outline the command structure, set guidelines and establish minimum standards for each agency in their selection, retention, and continual evaluation of team members.

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).

404.1.1 ADMINISTRATION OF NORTH COUNTY SWAT
North County SWAT shall be managed under the combined direction of the Chiefs of Police from the involved agencies. That governing board shall be known as the North County SWAT Advisory Council.

404.1.2 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 respond to critical incidents including, but not limited to: hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, such a unit may be used to serve high-risk warrants, both search and arrest, where public and officer safety issues compel the use of such a unit.

404.2 NORTH COUNTY SWAT COMMANDER / ASSISTANT COMMANDER
The Commander of North County SWAT shall be a lieutenant appointed by the North County SWAT Advisory Council. The Assistant Commander, a lieutenant, will also be appointed by the North County SWAT Advisory Council and will ordinarily rotate at the beginning of each fiscal year to the position of Commander with the current Commander rotating to the position of Assistant Commander.

404.2.1 TEAM SUPERVISORS
Team supervisors for North County SWAT will be chosen from the rank of sergeant. Team supervisors will have direct supervision over team members from their respective agency and full functional supervision over team members from adjoining team agencies during SWAT activations and training exercises.
404.2.2 RADIO FREQUENCIES
Proper radio communications are a basic element in the successful completion of any tactical mission. The ability to not only communicate with fellow team members, but to also allow for the monitoring, exchange of information and recording of radio communications by each of the four agency dispatch centers is essential. It is also vital that all Department radios be properly programmed to function during any North County SWAT tactical operation.

Upon activation of North County SWAT, a request shall be made to Orange County Communications by the host agency communications personnel to reserve a primary tactical radio frequency and a secondary tactical radio frequency.

404.2.3 UNIFORM POLICY
The duty uniform for tactical team members of North County SWAT will be olive drab (OD) green BDUs, without epaulets. The individual agency shoulder patch shall be worn on the left sleeve, agency cloth badge on the left chest, and the North County SWAT team shoulder patch on the right sleeve. The officer's last name shall be embroidered on a cloth name strip, with black block letters on an OD green field, above the right breast shirt pocket. Under the OD Green uniform shirt, an OD Green long sleeve or short sleeve T-shirt shall be worn.

The training uniform for tactical team members of North County SWAT will be OD green BDUs, without epaulets on the shirt. Depending upon the training exercise, the BDU shirt may not be required. If the BDU shirt is worn, the same patches and names stripes as described above shall be worn. Under the BDU shirt will be worn an OD Green T-shirt, either long sleeve or short sleeve.

Insignia of rank will only be worn by the Team Commander/Assistant Commander, Team Supervisors and Team Leaders. Team Commander/Assistant Commander will wear lieutenant bars in standard placement upon the BDU uniform shirt collar. Team supervisors shall wear sergeant stripes. Team Leaders shall wear their designated senior officer/corporal or sergeant stripes. No other rank designation will be authorized.

Once the North County SWAT team member has participated in six consecutive training days, and participated in one team activation, they will be authorized to wear a SWAT eagle pin on their standard uniform (i.e., the uniform worn by the team member during their normal duty hours and during formal occasions). The location where the pin will be worn, and the color of the pin, will be decided by the individual Department.

Team members shall only deploy with personal tools or equipment that have been approved by a Team Supervisor. Team Supervisors shall inspect all personal tools and equipment being carried by Team Members to ensure their overall safety, need, uniformity and compatibility with assigned weapons, tools and equipment.

404.3 SWAT TRAINING / MANDATORY QUALIFICATION
The North County SWAT Commander shall coordinate team training. In addition to specialized training courses, the North County SWAT Commander may conduct monthly training exercises, to include a review and critique of personnel and their performance in the exercises. Tactical team
members, including Tactical Paramedics (TEMS), are to be offered 160 hours of standardized training annually, with Long Rifle team members receiving an additional 4 hours per month of specialized long rifle training/qualification.

Crisis Negotiation team members are to be offered quarterly training in specialized/joint team training. Tactical Dispatchers will be requested to attend training at the discretion of the team Commander.

404.3.1 BIANNUAL PHYSICAL FITNESS TESTING
Each SWAT tactical team member below the rank of lieutenant, including Tactical Paramedics, shall perform a physical fitness test biannually. Each team member must attain a minimum qualifying score. The physical fitness test has been designed to be "job specific" to the tactical officer’s and tactical paramedic’s role as approved by the Team Commander and the North County SWAT Advisory Council.

Any SWAT tactical team member or Tactical Paramedic who is on vacation, ill, or fails to attain the minimum physical fitness qualification score will be required to re-test and attain a qualifying score within 30 days of the originally scheduled physical fitness test date. Any team member required to qualify shall report to a team supervisor and complete the physical fitness test. Failure to qualify within the thirty (30) days shall result in suspension from the team, or may result in dismissal from the team.

404.3.2 SWAT LIGHT-DUTY STATUS AND FITNESS TESTING
SWAT tactical team members or Tactical Paramedics who are on light duty status with a doctor's note verifying their light duty status on the test date shall be responsible for reporting to a team supervisor and taking the test within thirty (30) days of their return to regular duty. Team members on light-duty status will be ineligible to deploy as a tactical operator during tactical operations until they have successfully completed the physical fitness test.

Team members may, at the discretion of the SWAT Commander, be authorized to attend training and/or perform non-tactical support duties as assigned during SWAT operations. Any member who fails to arrange for and successfully perform the physical fitness test with the 30-day period, shall be considered as having failed to attain a qualifying score for that test period. Failure to qualify within those thirty (30) days shall result in suspension from the team, or may result in dismissal from the team. The 30-day retest period may be extended at the discretion of the SWAT Commander after considering the extent of injury and the extended time needed to return to full SWAT duty.

404.3.3 QUARTERLY WEAPONS TRAINING
Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the North County SWAT "Basic Drill for the handgun." In addition to the handgun qualification, prior to deploying any shoulder fired weapon, each team member must also perform the quarterly weapons qualification course for their assigned shoulder fired weapon (designated less lethal and gas guns exempted). Failure to qualify
**North County SWAT**

will require that the officer seek remedial training from a team range master approved by the North County SWAT Commander. Team members who fail the qualification course must retest with 30 days of the end of the quarter. Failure to qualify within those 30 days, with or without remedial training, shall result suspension from the team, or might result in dismissal from the team.

SWAT team members shall only deploy weapons or weapon systems that they are currently qualified with. Those weapons include handguns, rifles, submachine guns, less lethal weapons and gas guns.

**404.4 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 North County SWAT Commander. The performance and efficiency level, as established by the North County SWAT Commander, will be met and maintained by all SWAT team members. Any member of the SWAT team who continues to perform or function at a level less than satisfactory shall be dismissed from the team.

**404.4.1 UNSATISFACTORY PERFORMANCE**

Any member of North County SWAT who functions at a less than satisfactory level shall be advised of their deficiency by their team supervisor. The supervisor will explain the deficiency and clarify what improvement is required and how acceptable performance can be achieved. A specified period will be offered to the team member to demonstrate the required improvement. Should the employee fail to meet the expected standards after this opportunity to improve, they shall be dismissed from the team.

**404.4.2 TRAINING SAFETY AND ON-DUTY INJURY DURING SWAT OPERATIONS**

Use of a designated safety officer should be considered for all tactical training. Should a team member sustain an injury during training, or during a team activation, that team member's team supervisor (e.g., a Brea supervisor if the injured person works for the City of Brea) shall be notified as soon as possible. If the injury necessitates transportation to a medical facility a TEMS team member should accompany the injured person to the medical facility if possible.

**404.5 GUIDELINES FOR ACTIVATING NORTH COUNTY SWAT**

Activation criteria of North County SWAT will be divided into major categories: "planned events" and "non-planned events". Consideration for activation of North County SWAT should include but not be limited to the following factors:

(a) Barricaded suspects who refuse an order to surrender
(b) Incidents where hostages are taken
(c) Cases of suicide threat
(d) Arrests of dangerous persons
(e) Service of high-risk warrants
(f) Riot or hostile crowd control situations
(g) Other potentially volatile incidents deemed necessary by the requesting agency.

404.5.1 PLANNED EVENTS
Planned events will include, but are not limited to: high-risk warrant service, dignitary protection and crowd control situations. Requests for North County SWAT activations on planned events should be reviewed and authorized through the hosting agency’s chain of command.

Once approved, the SWAT supervisor from the hosting agency will brief the SWAT Commander of the request. Upon agreement that the request meets team criteria, a detailed written operation plan will be prepared by the host agency SWAT team and presented to the SWAT Commander for final approval. Upon approval, the SWAT Commander will insure that the appropriate numbers of team personnel to handle the operation are employed.

If the host agency deploys an Incident Commander to the event, the SWAT Commander will maintain constant communication with the Incident Commander in order to coordinate activities.

404.5.2 NON-PLANNED EVENTS
Non-planned events are traditionally activated through the individual Department’s Patrol Division. Unless otherwise instructed, events requiring a tactical team response are presumed to invoke significant public safety concerns, so the timely response of tactical team members is critical. The first request for assistance may be for the mutual aid response of all North County SWAT tactical team members currently on duty. The initiating Watch Commander should then notify the senior SWAT supervisor from their agency to inform them of the potential activation. Upon agreement that an activation is appropriate, the senior SWAT supervisor from the host agency will be responsible to ensure that all necessary notifications, beginning with the SWAT Commander or, in his absence, the Assistant Commander.

404.5.3 ACTIVATION STAFFING LEVELS FOR NON-PLANNED EVENTS
In order to ensure the response of the appropriate number of tactical team members for a given activation, the SWAT Commander, upon being briefed by the host agency, will determine the level of response appropriate for the given situation. Tactical responses will generally be classified by the following three levels.

(a) **Level One:** consists of a response from all on-duty SWAT personnel from each agency. On-duty personnel include all tactical team members, regardless of their primary assignment, i.e. patrol, traffic, detectives, administration, SRO, etc.

(b) **Level Two:** consists of a level one response with additional selected tactical officers, who may be off-duty, but who are individually requested based on the tactical staffing need.

(c) **Level Three:** consists of a response from all available tactical officers both on and off-duty. The proper supervision of tactical incidents is critical to their successful outcome. Therefore, in order to ensure sufficient supervision during all non-planned SWAT activations, all team supervisor will be notified on all SWAT activations.
404.5.4 TACTICAL PARAMEDICS
Highly trained and experienced tactical paramedics are an essential element of any SWAT operation. To ensure the safety of team members, involved citizens and suspects, a minimum of two (2) Tactical Paramedics should be requested for each activation.

404.5.5 NEGOTIATORS
The specialized experience and knowledge of trained negotiators are critical to the successful outcome of any SWAT activation. The Negotiations Team supervisor will be notified on all SWAT activations. The Negotiations Team supervisor, with the approval of the SWAT Commander, will determine the appropriate response of negotiation personnel.

404.5.6 TACTICAL DISPATCHERS
Tactical Dispatchers are an integral part of the unit’s Tactical Operations Center (TOC). In order to ensure proper communications as well as incident documentation, a minimum of three (3) Tactical Dispatchers will be required for level three activations. Minimum staffing for level one or two activations will be at the discretion of the SWAT Commander.

404.6 ON-SCENE RESPONSIBILITIES

404.6.1 FIELD UNITS
While waiting for North County SWAT, field personnel should, if safe and practical do the following:

(a) Establish an inner and outer perimeter
(b) Establish a command post outside of the inner perimeter
(c) Evacuate any injured persons or citizens in the danger zone
(d) Be prepared to brief and update the North County SWAT Commander on the situation
(e) Plan for and stage for anticipated resources (barricades, available parking, media response, weather, etc.)

404.6.2 INCIDENT COMMANDER
Upon the arrival of the North County SWAT Commander, the Incident Commander should advise the SWAT Commander of the following:

(a) The number of suspects, known weapons and resources available
(b) If the suspect is in control of hostages
(c) If the suspect is barricaded
(d) The type of crime involved
(e) If the suspect has threatened or attempted suicide
(f) The location and the safest approach to the command post
(g) The extent of any perimeter and the number of officers involved
(h) Whether the suspect has refused an order to surrender
(i) Any other import fact relative to the immediate situation

After review, it will be the North County SWAT Commander's decision, with input from the Incident Commander, whether it is appropriate to deploy North County SWAT. If deployed, the North County SWAT Commander will assume responsibility of the tactical portion of the operation. The Incident Commander shall continue to oversee both the tactical and field operation portions of the incident. The field operations supervisor will continue to supervise the field command post operation, outer perimeter security, as well as support for North County SWAT. The Incident Commander and the North County SWAT Commander shall maintain communication at all times.

404.6.3 MOBILIZATION OF NORTH COUNTY SWAT

Upon activation of North County SWAT, all on-duty tactical team members are to be released without unnecessary delay from their primary assignments after considering minimum staffing needs. Unless directed otherwise they will be dispatched to respond directly to the tactical command post for assignment. Likewise, activated off-duty team members, unless directed otherwise, will also respond directly to the tactical command post for assignment.

404.6.4 NON-PLANNED DEPLOYMENT CATEGORIES

Immediate Deployment are responses that will include incidents such as active shooters, downed officer or citizens, or any similar immediate life-threatening situation. An Immediate Deployment response alerts the arriving tactical officers that some form of immediate life-saving action needs to be implemented upon their arrival.

- Designating an Immediate Deployment response means that all on-duty tactical officer will be dispatched “Code Three” (lights and siren) to the incident.

Standard Deployments are all other deployments.

- Unless otherwise directed by the Team Supervisor or SWAT Commander. The designated Standard Deployment response is that all on-duty tactical officers will be dispatched “Code One” (non-emergency, no lights or siren).

All off-duty tactical officers responding to an immediate or standard deployment will respond directly to the incident while obeying all laws.

404.7 SELECTION CRITERIA AND PROCESS

Interested personnel, who are off probation, shall submit a change of assignment request per their normal Department request for change of assignment procedure. An approved copy will be forwarded to their agency SWAT supervisor. Qualifying applicants will be invited to participate in the testing process. A series of tests will be given at the direction of the North County SWAT Commander.

404.7.1 TACTICAL TEAM SELECTION PROCESS

The testing process will minimally consist of an oral board, physical agility, SWAT basic handgun proficiency, and Team evaluation.

The oral board will consist of personnel approved by the North County SWAT Commander.
The oral board will consist of SWAT team supervisors or team leaders from at least two team agencies. Applicants will be evaluated on the following criteria:

(a) Recognized competence and ability as evidenced by performance in their duty assignments;

(b) Demonstrated good judgment and understanding of the critical role of a SWAT team member;

(c) Special skills, training, or education as it pertains to this assignment; and,

(d) Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

The physical agility test is designed to evaluate the physical capabilities of the applicant as they relate to the performance of their SWAT duties. The testing and scoring procedure will consist of the North County SWAT obstacle course. Any applicant considered for the position shall attain, at minimum, the established qualifying score of seven minutes and 44 seconds.

Candidates will be invited to shoot the North County SWAT “Basic Drill for the handgun.” A minimum qualifying score of 450 out of a possible score of 500 must be attained to qualify. Current applicant agency team members will evaluate each candidate on their field tactics, teamwork, ability to work under stress, communication skills, judgment, and any special skills beneficial to the team.

The North County SWAT Commander, through the applicant agency’s team supervisor, shall submit a list of successful applicants to the applicant agency’s staff for final selection.

404.7.2 TACTICAL PARAMEDICS SELECTION PROCESS

The testing process will minimally consist of an oral board and physical agility. The oral board will consist of personnel approved by the North County SWAT Commander. The oral board will consist of current Tactical Paramedics, SWAT team supervisors or team leaders from at least two team agencies. Applicants will be evaluated on the following criteria:

(a) Recognized competence and ability as evidenced by performance in their duty assignments;

(b) Demonstrated good judgment and understanding of the critical role of a Tactical Paramedic;

(c) Special skills, training, or education as it pertains to this assignment; and,

(d) Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

The physical agility test is designed to evaluate the physical capabilities of the applicant as they relate to the performance of their SWAT duties. The testing and scoring procedure will consist of the North County SWAT obstacle course. Any applicant considered for the position shall attain, at minimum, the established qualifying score of seven minutes, 44 seconds.
The North County SWAT Commander, through the applicant agency’s team supervisor, shall submit a list of successful applicants to the applicant agency’s fire department staff for final selection.

404.7.3 NEGOTIATOR SELECTION PROCESS
The testing process will minimally consist of an oral board and team evaluation. The oral board will consist of personnel approved by the North County SWAT Commander. The oral board will consist of Negotiations supervisors, SWAT team supervisors or team leaders from at least two team agencies. Applicants will be evaluated on 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 North County SWAT Commander, through the applicant agency’s team supervisor, shall submit a list of successful applicants to the applicant agency’s Staff for final selection.

404.7.4 TACTICAL DISPATCHER SELECTION PROCESS
The testing process will minimally consist of an oral board and team evaluation.

The oral board will consist of personnel approved by the North County SWAT Commander. The oral board will consist of current Tactical Dispatchers, Negotiations supervisors, SWAT team supervisors or team leaders from at least two team agencies. Applicants will be evaluated on the following criteria:

(a) Recognized competence and ability as evidenced by performance;
(b) Effective communication skills;
(c) Demonstrated good judgment and understanding of critical role of the tactical dispatcher and tactical dispatch process;
(d) Special skills, training, or appropriate education as it pertains to the assignment; and,
(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The North County SWAT Commander, through the applicant agency’s team supervisor, shall submit a list of successful applicants to the applicant agency’s Staff for final selection.

404.8 FLASH / SOUND DIVERSIONARY DEVICES
Personnel of North County SWAT are authorized to use flash/sound diversionary devices, sometimes referred to as “flashbangs”, in situations when the use of a less-lethal diversion would facilitate entry, enable an arrest, restore order, and/or potentially reduce the risk of injury.
404.8.1 JUSTIFICATION FOR USE
Circumstances justifying the use of flash/sound diversionary devices may include, but not be limited to:

(a) Barricaded suspect and/or hostage situations;
(b) High-Risk warrant services;
(c) Discouraging dangerous animals from attacking;
(d) Riotous situations;
(e) Circumstances wherein distraction of violent and/or emotionally disturbed persons and/or those under the influence of alcohol/drugs is believed necessary to facilitate apprehension/custody;
(f) Situations wherein the North County SWAT Commander or team supervisor deems their use necessary to safely resolve the incident.

404.8.2 CARRYING / DEPLOYING DIVERSIONARY DEVICES
Only team members who have successfully completed North County SWAT approved training in the proper use and deployment of flash/sound diversionary devices shall be authorized to carry and deploy flash/sound diversionary devices during actual operations or training. Annual refresher training on their use shall be provided to members of the team.

404.8.3 AUTHORIZATION FOR USE
Except in extreme emergencies (i.e., life-threatening situations), flash/sound diversionary devices shall not be used without prior authorization of the North County SWAT Commander or Team Supervisor.

404.8.4 DEPLOYMENT CONSIDERATIONS
Prior to deploying flash/sound diversionary devices, personnel shall consider available information and circumstances (i.e., presence of young children, elderly persons, flammable materials, small loose objects, etc.). Circumstances may indicate that exterior deployment is preferable to deployment on the interior of a structure. Whenever possible, devices shall be deployed to an area visible to the deploying officer. Flash/sound diversionary devices should not be deployed solely for the purpose of preserving evidence.

404.8.5 SAFETY EQUIPMENT
Team members deploying flash/sound diversionary devices in an actual incident or situation should wear fire-retardant gloves, eye protection, body armor, and if possible, ear protection. The previously mentioned equipment is mandatory for training.

Because flash/sound diversionary devices have the potential to ignite flammable materials, a portable fire extinguisher shall be readily accessible whenever devices are carried and may be deployed.
404.8.6 DOCUMENTATION AND REVIEW
Whenever flash/sound diversionary devices are deployed by team members in an actual situation or incident, that fact shall be noted in the after-action report. In the event devices are deployed, the circumstances surrounding their deployment shall be fully described.

Correct nomenclature must always be used. The Team Commander or his/her designate shall be responsible for reviewing any deployment of flash/sound diversionary devices to ensure that policy is/was followed.

404.8.7 REPORTING REQUIREMENTS
Flash/sound diversionary devices are registered by serial number with the Bureau of Alcohol, Tobacco and Firearms (ATF). Typically, the department's purchase of new devices is reported directly (by case-lot serial numbers) to ATF by the device manufacturer via ATF form 5. The National Firearms Act requires the department to document the use/expenditure of flash/sound diversionary devices.

404.8.8 INSPECTION AND STORAGE
The North County SWAT Commander shall be responsible for ensuring that all flash/sound diversion devices are inspected annually. This inspection shall ensure that each department's devices are properly prepared and in good condition. Devices used beyond their recommended lifetimes shall be designated for use in training only. Flash/sound diversionary devices shall be stored in a cool, dry location separate from fixed ammunition.

Devices may be temporarily issued to North County SWAT team members provided appropriate records are maintained. Devices should be carried securely in a pouch/carrier with a retention strap or flap.

404.9 CONTROL DEVICES AND TECHNIQUES FOR NORTH COUNTY SWAT
In order to reduce and minimize altercation-related injuries to officers and suspects, North County SWAT authorizes the use of selected control devices in accordance with Section 303 of this Department manual.

Additional training requirements and operational procedures for SWAT members, that exceed those noted in section 303 or other related policy sections, may be directed by the SWAT Commander or supervisors as deemed necessary.

404.9.1 REQUIRED INSTRUCTION FOR USE
All North County SWAT team members received their initial chemical agent training as part of their POST basic academy. Annual refresher training on chemical agents shall be provided to all members of the team.

404.9.2 TRANSITIONAL LOADING PROCEDURES
Absent compelling circumstances, officers transitioning from conventional ammunition to less lethal ammunition will employ the "two person rule" for loading. The "two person rule" is a safety measure accomplished by having a second officer watch the loading process. This is to ensure
that the weapon is completely emptied of conventional ammunition and that only Extended Range Kinetic Energy Projectiles are reloaded into the weapon. This procedure ensures that conventional munitions are not loaded by mistake.
Ride-Along Policy

405.1 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.

405.1.1 ELIGIBILITY
The Brea 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

405.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times may vary for day shifts and night shifts, but are at a maximum of 4 hours in duration. Exceptions to this schedule may be made as approved by the Supervisor or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by a Records Senior Technician or 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 Records Senior Technician or 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.

405.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.
Ride-Along Policy

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

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 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.

405.2.4 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 Brea Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 OFFICER'S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Senior Records Technician is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-a-long Application form shall be returned to the Senior Records Technician with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer
(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person
Hazardous Material Response

406.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with 8 CCR § 5194, the following is to be the policy of this department.

406.1.1 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.

406.2 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 Code § 25354.5).

406.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.
Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

**406.3.1 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

407.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS
Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY
It is the policy of the Brea Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION
When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS
Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,
Hostage and Barricade Incidents

or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
Hostage and Barricade Incidents

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
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(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 SWAT RESPONSIBILITIES
The Incident Commander will decide, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING
Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.
Response to Bomb Calls

408.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Brea Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY
It is the policy of the Brea Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT
Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 BREA POLICE DEPARTMENT FACILITY
If the bomb threat is against the Brea Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Brea Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.
Response to Bomb Calls

408.4.3 FEDERAL BUILDING OR PROPERTY
If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of City of Brea, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.
(b) The nature of the threat.
(c) Whether the type and detonation time of the device is known.
(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
(e) Whether the individual is requesting police assistance at the facility.
(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
   1. No evacuation of personnel and no search for a device.
   2. Search for a device without evacuation of personnel.
   3. Evacuation of personnel without a search for a device.
   4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE
The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.
Response to Bomb Calls

(b) The plan for assistance.
(c) Whether to evacuate and/or search the facility.
(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
   2. The safety of all participants is the paramount concern.
(e) The need for additional resources, including:
   1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE
When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
   1. Two-way radios
   2. Cell phones
   3. Other personal communication devices
(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
(f) A safe access route should be provided for support personnel and equipment.
(g) Search the area for secondary devices as appropriate and based upon available resources.
(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
(i) Promptly relay available information to the Watch Commander including:
   1. The time of discovery.
Response to Bomb Calls

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS
Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.
(b) Request additional personnel and resources, as appropriate.
(c) Assist with first aid.
(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
(e) Assist with the safe evacuation of victims, if possible.
(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
(g) Preserve evidence.
(h) Establish an outer perimeter and evacuate if necessary.
(i) Identify witnesses.

408.7.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate
Response to Bomb Calls

408.7.3   CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4   PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
Crisis Intervention Incidents

409.1 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.

409.1.1 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.

409.2 POLICY
The Brea 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.

409.3 SIGNS
Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness
(b) Threats of or attempted suicide
(c) Loss of memory
(d) Incoherence, disorientation or slow response
(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
(g) Social withdrawal
(h) Manic or impulsive behavior, extreme agitation, lack of control
(i) Lack of fear
(j) Anxiety, aggression, rigidity, inflexibility or paranoia
Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate the Homeless Liaison Officer to collaborate with mental health professionals to ensure the department is aware of the current guidelines of the Centralized Assessment Team. 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.

409.5 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.

409.6 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.

409.7 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.
409.8 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.

409.9 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.

409.9.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

409.10 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
Crisis Intervention Incidents

may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

409.11 TRAINING
In coordination with the mental health community and appropriate stakeholders, the Department may develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis. The Department will also provide, and encourage, opportunities for mental health training.

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).
Mental Illness Commitments

410.1 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).

410.2 POLICY
It is the policy of the Brea Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

410.3 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

410.3.1 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.

410.4 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:
Mental Illness Commitments

(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.

410.4.1 SECURING OF PROPERTY
When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person’s personal property, the officer shall take reasonable precautions to safeguard the individual’s personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person’s property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

410.5 TRANSPORTATION
When transporting any individual for a 5150 commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

410.6 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.

410.7 DOCUMENTATION
The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.7.1 ADVISEMENT
The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer’s name and agency.
(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
(c) The name of the facility to which the person is being taken.
(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.8 CRIMINAL OFFENSES
Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.
Mental Illness Commitments

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual’s transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.
410.10 TRAINING
This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.
Cite and Release Policy

411.1 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.

411.2 POLICY
It is the policy of the Brea 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.

411.3 RELEASE BY CITATION
Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

411.3.1 FIELD CITATIONS
In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

411.3.2 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.

411.4 NON-RELEASE
411.4.1 DISQUALIFYING OFFENSES
An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
(b) Felony domestic battery (Penal Code § 273.5)
(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
(e) Rape of a spouse (Penal Code § 262)
(f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)
(g) Stalking (Penal Code § 646.9)
(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

411.4.2 REASONS FOR NON-RELEASE
A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that 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 Brea Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).
Cite and Release Policy

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.
   1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
   (a) Previous failure to appear is on record
   (b) The person lacks ties to the area, such as a residence, job, or family
   (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

411.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.
(b) The misdemeanor cited in the warrant involves a firearm.
(c) The misdemeanor cited in the warrant involves resisting arrest.
(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
Cite and Release Policy

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

411.6 JUVENILE CITATIONS
Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

• Misdemeanor traffic violations of the Vehicle Code
• Violations of the City of Brea City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Detective Bureau for further action including diversion.

411.7 REQUESTING CASE NUMBERS
Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.
Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Brea Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY
The Brea Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.
(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.
(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.
412.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
   1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
   1. Diplomatic-level staff of missions to international organizations and recognized family members
   2. Diplomatic agents and recognized family members
   3. Members of administrative and technical staff of a diplomatic mission and recognized family members
   4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:
   1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
   2. Support staff of missions to international organizations
   3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
   4. Honorary consular officers
   5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES

412.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts Testimony may not be compelled in any case</td>
<td>No for official acts Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise.</td>
<td>No for official acts Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise.</td>
<td>No for official acts Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Int’l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>
Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Diplomatic-Level Staff of Missions to Int’l Org (note (b))</th>
<th>No</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>Same as sponsor (full immunity &amp; inviolability)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Response and Deployment

413.1 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.

413.2 POLICY
The Brea 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.

413.3 CONSIDERATIONS
When dealing with a crisis situation members should:
(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.4 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:
(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.5 PLANNING
The Uniform Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.
413.6 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).
414.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Brea Police Department relating to immigration and interacting with federal immigration officials.

414.1.1 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.

414.2 POLICY
It is the policy of the Brea 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.

414.3 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.

414.4 IMMIGRATION INQUIRIES PROHIBITED
Officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

414.4.1 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).

414.5 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).

414.5.1 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.

414.6 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.).

414.7 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):
Immigration Violations

(a) Sending information to, or requesting or receiving such information from federal immigration officials
(b) Maintaining such information in department records
(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

414.7.1 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.

414.7.2 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 Brea Police Department intends to comply with the request (Government Code § 7283.1).

If the Brea 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).

414.7.3 ICE INTERVIEWS
Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Brea 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.

414.7.4 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.

414.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective 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 Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Bureau Policy).

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). 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.

414.8.1 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.

414.8.2 REPORTING TO LEGISLATURE
The Detective 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).

414.8.3 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).

414.9 TRAINING
The Training Coordinator should ensure that all appropriate members receive training on immigration issues.

Training should include:

(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

415.1 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.

415.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch.

415.1.2 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.

415.1.3 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.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

415.2 TRAFFIC SIGNAL MAINTENANCE

The City of City of Brea 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.

415.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.
Aircraft Accidents

416.1 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.

416.1.1 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.

416.2 POLICY
It is the policy of the Brea Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 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).

416.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.
416.5 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)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.
(b) Fire department, EMS or other assisting law enforcement agencies.
(c) Coroner.
(d) Air Carrier/Operators investigative teams with NTSB approval.
(e) Appropriate branch of the military, when applicable.
(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department 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.

416.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION
All aircraft accidents occurring within the City of Brea 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 BPD 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.

416.8.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
(d) The names of all persons reporting the accident, even if not yet interviewed.
(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS
The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should
Aircraft Accidents

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims’ names. The PIO should coordinate with other involved entities before the release of information.
Field Training Officer Program

417.1 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 Brea 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.

417.2 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.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO
(b) Minimum of two years of patrol experience, two of which shall be with this department
(c) Demonstrated ability as a positive role model
(d) Participate and pass an internal oral interview selection process
(e) Evaluation by supervisors and current FTOs
(f) Possess a POST Basic certificate

417.2.2 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.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Uniform Patrol Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:
Field Training Officer Program

(a) Assignment of trainees to FTOs
(b) Conduct FTO meetings
(c) Maintain and ensure FTO/trainee performance evaluations are completed
(d) Maintain, update, and issue the Field Training Manual to each trainee
(e) Monitor individual FTO performance
(f) Monitor overall FTO Program
(g) Maintain liaison with FTO coordinators of other agencies
(h) Maintain liaison with academy staff on recruit performance during the academy
(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator’s Course within one year of appointment to this position (11 CCR 1004(c)).

417.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Brea Police Department who has successfully completed a POST approved Basic Academy.

417.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

417.5.1 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 Brea 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 Brea Police Department.

417.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.
417.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Supervisor on a daily basis.
(b) Review the Daily Trainee Performance Evaluations with the trainee each day.
(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

417.6.2 FIELD TRAINING SUPERVISOR
The Field Training Supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Lieutenant.

417.6.3 FIELD TRAINING LIEUTENANT
The Field Training Lieutenant will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her FTO supervisor.

417.6.4 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.

417.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer’s training files and will consist of the following:

(a) Daily Trainee Performance Evaluations
(b) End-of-phase evaluations
(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
Obtaining Air Support

418.1 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.

418.2 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.

418.2.1 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.

418.2.2 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

419.1 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.

419.1.1 DEFINITIONS
Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

419.2 POLICY
The Brea 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.
Contacts and Temporary Detentions

419.3 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 Brea Police Department to strengthen community involvement, community awareness, and problem identification.

419.3.1 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

419.4 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.
Contacts and Temporary Detentions

(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.

419.5 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.

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should obtain consent from the subject being photographed prior to taking the photograph.

419.5.2 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.

419.5.3 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the electronic reporting system along with associated FI information documenting 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 Investigations Supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Investigations Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.
When a photograph is taken in association with a particular case, the investigator 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 shall be retained in accordance with the established records retention schedule.

419.5.4 SUPERVISOR RESPONSIBILITIES
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.6 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose 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 Brea Police Department members.
   1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.
Criminal Organizations

420.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Brea Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 DEFINITIONS
Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

420.2 POLICY
The Brea 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.

420.3 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.

420.3.1 SYSTEM ENTRIES
It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any
supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

420.3.2 GANG DATABASES
The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the gang unit supervisor’s responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General’s office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the department, the basis for that designation and the name of the agency that made the designation. The department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department’s decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.
It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

420.4 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.

420.4.1 FILE CONTENTS
A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

420.4.2 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.

420.5 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:
**Criminal Organizations**

(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.

### 420.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### 420.7 CRIMINAL STREET GANGS

The Detective 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.
420.8 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.
Watch Commanders

421.1 PURPOSE AND SCOPE
Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

421.2 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 Audio/Video

422.1 PURPOSE AND SCOPE
The Brea Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS
Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY
It is the policy of the Brea Police Department to use mobile audio and video technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES
Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Brea Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system’s operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.
422.4 ACTIVATION OF THE MAV
The MAV system is designed to turn on whenever the unit’s emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

422.4.1 REQUIRED ACTIVATION OF MAV
This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
   1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
   2. Priority responses
   3. Vehicle pursuits
   4. Suspicious vehicles
   5. Arrests
   6. Vehicle searches
   7. Physical or verbal confrontations or use of force
   8. Pedestrian checks
   9. DWI/DUI investigations including field sobriety tests
   10. Consensual encounters
   11. Crimes in progress
   12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
   1. Domestic violence calls
   2. Disturbance of peace calls
3. Offenses involving violence or weapons
   
   (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
   
   (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

422.4.2 CESSATION OF RECORDING
Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

422.4.3 WHEN ACTIVATION IS NOT REQUIRED
Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

422.4.4 SUPERVISOR RESPONSIBILITIES
Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

   (a) Beginning and end-of-shift recording procedures are followed.
   
   (b) Logs reflect the proper chain of custody, including:
       1. The tracking number of the MAV system media.
       2. The date it was issued.
       3. The law enforcement operator or the vehicle to which it was issued.
       4. The date it was submitted.
       5. Law enforcement operators submitting the media.
       6. Holds for evidence indication and tagging as required.
(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

### 422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements
(b) By a supervisor investigating a specific act of officer conduct
(c) By a supervisor to assess officer performance
(d) To assess proper functioning of MAV systems
(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
(f) By department personnel who request to review recordings
(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
(i) By the media through proper process or with permission of the Chief of Police or the authorized designee
Mobile Audio/Video

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

422.6 DOCUMENTING MAV USE
If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY
Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA
Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MAV RECORDINGS AS EVIDENCE
Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Brea Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
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(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

422.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
   1. Ensures it is stored in a secure location with authorized controlled access.
   2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:
   1. Pursuant to a court order.
   2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:
   1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.
(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

422.10 TRAINING
All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.
Mobile Digital Computer Use

423.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

423.2 POLICY
Brea Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

423.4 RESTRICTED ACCESS AND USE
MDC use is subject to the Information Technology Use and Protected Information policies. Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.
Mobile Digital Computer Use

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.

423.5 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(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 should be documented by a dispatcher.
(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

423.5.1 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

423.5.2 EMERGENCY ACTIVATION
If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 MALFUNCTIONING MDC
Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.
423.6.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.
Portable Audio Recorders

424.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio recording devices by members of this department while in the performance of their duties. Portable audio 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 Brea Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

424.2 POLICY
The Brea Police Department may provide members with access to portable audio recorders 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.

424.3 COORDINATOR
The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.
(b) Designating persons responsible for downloading recorded data.
(c) Establishing a maintenance system to ensure availability of operable portable audio recording devices.
(d) Establishing a system for tagging and categorizing data according to the type of incident captured.
(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
(g) Maintaining logs of access and deletions of recordings.

424.4 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.
Portable Audio Recorders

424.5 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, BPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

424.5.1 SUPERVISOR RESPONSIBILITIES
Supervisors should take custody of a portable audio recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

424.6 ACTIVATION OF THE PORTABLE RECORDER
This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations
(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
(c) Self-initiated activity in which a member would normally notify Dispatch
(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
Portable Audio Recorders

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.

424.6.1 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her 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.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

424.6.2 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.

424.6.3 EXPLOSIVE DEVICE
Many portable recorders, including audio transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.7 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...
Portable Audio Recorders

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.

424.7.1 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).

424.8 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.

424.9 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 Brea 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).
Portable Audio Recorders

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).

424.9.1 RELEASE OF AUDIO RECORDINGS
 Requests for the release of audio recordings shall be processed in accordance with the Records Maintenance and Release Policy.

424.10 REVIEW OF RECORDED MEDIA FILES
 When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.
Tactical Communications

425.1 PURPOSE AND SCOPE
Professionalism in law enforcement goes well beyond the avoidance of foul language and polite treatment of the public. Officers have the affirmative responsibility to act in a fashion that contributes to a positive contact between the public and the Department.

425.2 TACTICAL COMMUNICATION OR "VERBAL JUDO"
Whenever possible, officers are required to generate cooperation and gain voluntary compliance in others under stressful conditions, such as hostile suspects, upset or frightened victims, or any action which places the officer and the community at odds with each other.

425.2.1 PROCEDURE
The "Verbal Judo" model has been adopted by the Department as the suggested model to comply with this policy. That is: (ASPCA)

- **ASK - ETHICAL APPEAL**, the simple request from a uniformed person
- **SET CONTEXT - REASONABLE APPEAL**, use of reason and logic
- **PRESENT OPTIONS - PERSONAL APPEAL**, show how requested action will be in the personal best interest of the citizen
- **CONFIRM - PRACTICAL APPEAL**, "Is there anything . . ."
- **ACT**

Officers should show "disinterest", that is, open, flexible, and unbiased; without feelings, selfish motive, or interest.

Where possible, verbal abuse or attack should be responded to with the studied response, deflection and redirection (ya, but) or (say what you want, do what I say), not the natural response, confrontation.

Officers will be responsible for their total communication, content, what is said; voice, tone, attitude, pace, pitch, modulation; and other non-verbals body language, spatial relations, gestures, etc.
Public Recording of Law Enforcement Activity

425.1 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.

425.2 POLICY
The Brea 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.

425.3 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.

425.4 OFFICER RESPONSE
Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or
behavior to be unlawful. Accompanying the warnings should be clear directions on what an 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.

425.5 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.

425.6 SEIZING RECORDINGS AS EVIDENCE
Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
   1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
(c) The person consents.
   1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
   2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
Medical Marijuana

426.1 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.

426.1.1 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).
426.2 POLICY
It is the policy of the Brea 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 Brea Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

426.3 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.

426.3.1 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.

426.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER
A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.
(b) The card has been obtained or used by means of fraud.
(c) The person is otherwise in violation of the provisions of the MMP.
(d) The person possesses marijuana but not for personal medical purposes.
Medical Marijuana

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.

426.3.3 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).

426.3.4 INVESTIGATIONS INVOLVING A STATE LICENSEE
No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

426.3.5 ADDITIONAL CONSIDERATIONS
Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:
Medical Marijuana

(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.
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.

426.3.6 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).
Medical Marijuana

(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.

(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).

426.4 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.

426.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES
The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.
Bicycle Patrol Unit

427.1 PURPOSE AND SCOPE
The Brea 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.

427.2 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.

427.3 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.

427.3.1 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Uniform Patrol 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 Uniform Patrol Division.
(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

427.4 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.

427.5 UNIFORMS AND EQUIPMENT
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

427.6 CARE AND USE OF PATROL BICYCLES
Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.
Each bicycle 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.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

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.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

427.7 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.
(c) In the immediate pursuit of an actual or suspected violator of the law.
Recording Citizen Contacts

428.1 PURPOSE AND SCOPE
Citizen contacts are recorded to protect officers from false accusation and to assist in resolving citizen complaints. Recordings tend to clarify the type of complaint we are dealing with; they can refute inaccurate statements attributed to the officer; help refresh the officer's memory in preparing official reports and preparing to testify at trial.

428.2 POLICY
All contacts with citizens by uniformed line personnel; traffic stops, suspects, witnesses, victims and other citizen contacts, shall be recorded. However, it is not the intent of this policy for officers to compromise their safety or the safety of the citizens at the expense of turning on their citizen contact recorder. The department recognizes that often personnel are placed in difficult, dangerous, and rapidly developing circumstances where safety is the first order of business.

428.3 PROCEDURES
Each officer will be responsible for the use, care, and cleaning of their assigned recorder. Malfunctioning recorders should be turned in and repaired immediately; a replacement recorder will be provided.

The recorder is turned on and off manually. Personnel assigned a recorder must be familiar with the activation and operation of the device in order to comply with the obligations of this section.

Penal Code Section 632 prohibits an individual from surreptitiously recording any conversation in which a party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code Section 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

No member of this Department may surreptitiously record a conversation of any other member of this Department without the expressed knowledge and consent of all parties. (Nothing in this section is intended to interfere with an officer's right to openly record an interrogation pursuant to Government Code Section 3303g).

428.3.1 IDENTIFICATION OF CONTACTS
Each person assigned a recorder will maintain the equipment while in their possession. The recorder will be carried upon the person in a manner that will allow for easy operation without impairing the capabilities of the equipment.

(a) Prior to going into service, each recorder user will check their equipment to ensure it is working properly. The user will record and review a test sample at the beginning of their duty day by recording their name, date, watch, and assigned beat.
Recording Citizen Contacts

(b) Whenever possible, the recorder should be started just prior to the citizen contact. The contact should be recorded in its entirety.
(c) Whenever an officer believes a particular contact may lead to a citizen complaint, they should bring the recording to the attention of the Watch Commander.

428.4 RECORDING STORAGE
Users should download the recordings from their recorders on one of the designated computers at the end of each shift, but no later than the end of their shift on the last day of their work week. Once the download has been verified, the user shall delete all files from their recorder in preparation for their next shift.

Special care shall be used to identify recordings which require special handling:

(a) Arrests - Recordings of suspects’ statements will be treated as evidence and identified with the appropriate Department case number and suspect's last name prior to download on the server.
(b) Victim and Witnesses - Recordings of victim or witness' statements in which there is a likelihood a suspect will be identified shall be treated as evidence and identified with the appropriate Department case number and the victim or witness' last name prior to download on the server.

428.5 RETENTION OF RECORDINGS
Citizen contact recordings shall be retained for two (2) years. (Government Code §§ 6200 and 34090)

428.6 MANAGEMENT AND ADMINISTRATION OF SYSTEM
The Digital Recording system shall be maintained by the City’s IT Department. A Police Lieutenant or his/her designee shall be responsible for managing the program including review permissions, copies of recordings, and management of passwords.
Foot Pursuits

428.1 PURPOSE AND SCOPE
This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

428.2 POLICY
It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

428.3 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.
(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.
Foot Pursuits

(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.

428.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer definitely known.
Foot Pursuits

(n) The identity of the suspect is established or other information exists that will allow for
the suspect’s apprehension at a later time, and it reasonably appears that there is no
immediate threat to department members or the public if the suspect is not immediately
apprehended.

(o) The officer’s ability to safely continue the pursuit is impaired by inclement weather,
darkness or other environmental conditions.

428.5 RESPONSIBILITIES IN FOOT PURSUIT

428.5.1 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.

428.5.2 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.
428.5.3 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.

428.5.4 DISPATCH 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.

428.6 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.
   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.
Foot Pursuits

(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.
Automated License Plate Readers (ALPRs)

429.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

429.2 POLICY
The policy of the Brea Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

429.3 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Brea Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Commander. The Investigations Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

429.3.1 ALPR ADMINISTRATOR
The Investigations Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.
(g) Ensuring this policy and related procedures are conspicuously posted on the department’s website.

429.4 OPERATIONS
Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) 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 department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

429.5 DATA COLLECTION AND RETENTION
The Investigations Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

429.6 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means. The Brea Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):
Automated License Plate Readers (ALPRs)

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

429.7 RELEASING ALPR DATA
The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:
   1. The name of the agency.
   2. The name of the person requesting.
   3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Investigations Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

429.8 TRAINING
The Brea Police Department should ensure that sworn and non-sworn 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).
Homeless Persons

430.1 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 Brea Police Department recognizes that members of the homeless community are often in need of special protection and services. The Brea 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.

430.1.1 POLICY
It is the policy of the Brea 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.

430.2 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.
**430.3 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.

**430.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

**430.4 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
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supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

430.5 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 the Crisis Intervention Incidents Policy).

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.

430.6 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.
First Amendment Assemblies

431.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY
The Brea 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.

431.3 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.
431.3.1 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.

431.4 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 Dispatch, 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.

431.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 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.
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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or 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).

431.5.2 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.
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(t) Parameters for the use of portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

431.6 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.

431.7 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 Conducted Energy Weapons 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.

431.8 ARRESTS
The Brea 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).

431.9 MEDIA RELATIONS
The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.10 DEMOBILIZATION
When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.
431.11 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, Dispatch records/tapes
(g) Media accounts (print and broadcast media)

431.11.1 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.

431.12 TRAINING
Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.
Civil Disputes

432.1 PURPOSE AND SCOPE
This policy provides members of the Brea Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

432.2 POLICY
The Brea Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

432.3 GENERAL CONSIDERATIONS
When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.
Civil Disputes

432.4 COURT ORDERS
Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer may document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.
(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 STANDBY REQUESTS
Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

432.5 VEHICLES AND PERSONAL PROPERTY
Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

432.6 REAL PROPERTY
Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.
Suspicious Activity Reporting

433.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 DEFINITIONS
Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person’s identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. 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 should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., “dry run,” creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

433.2 POLICY
The Brea Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

433.3 RESPONSIBILITIES
The Investigative Services Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigative Services Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

433.4 REPORTING AND INVESTIGATION
Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

433.5 HANDLING INFORMATION
The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Detective Bureau supervisor
- Crime Analysis Unit
- Other authorized designees
Chapter 5 - Traffic Operations
Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE
The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT
Several factors are considered in the development of deployment schedules for officers of the Brea Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:
Traffic Function and Responsibility

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge
(b) Court appearance procedure including the optional or mandatory appearance by the motorist
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter
(b) Felony and misdemeanor driving under the influence of alcohol/drugs
(c) Felony or misdemeanor hit-and-run
(d) Refusal to sign notice to appear
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).
Traffic Function and Responsibility

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. The Traffic Supervisor should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

501.1 PURPOSE AND SCOPE
The Brea 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.

501.2 RESPONSIBILITY
The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING
All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Uniform Patrol Division Commander, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Brea Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.
Traffic Collision Reporting

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision

(b) When there is an identifiable violation of the Vehicle Code, however; involved parties may agree and request to exchange information in lieu of a traffic collision report for non-injury traffic collisions.

(c) When a report is requested by any involved driver

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.
Vehicle Towing and Release

502.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Brea Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 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.

502.2.1 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 Bureau as soon as practicable after the vehicle is stored.

502.2.2 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, the City’s contract towing service shall be contacted. If the towing service is not available, another service from the City’s approved towing contractor list shall be notified.

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 City of Brea. The officer will then store the vehicle using a CHP Form 180.

502.2.3 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).
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.

502.2.4 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.

502.2.5 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.

502.2.6 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 towing company contracted with the city for towing services. If this service is not available, the dispatcher shall contact another towing firm who has been approved by the city.
502.2.7 RECORDS BUREAU RESPONSIBILITY
Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5). Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by 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, writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES
The City of City of Brea periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
(b) When a vehicle is being held as evidence in connection with an investigation.
(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY
Any vehicle stored or impounded shall be inventoried, unless the inventory process is likely to cause damage to the vehicle or its contents. All property located shall be 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.
Vehicle Towing and Release

502.4.1  12500(A) CVC
When a driver is driving on an expired license, assuming the vehicle is parked legally and not a traffic hazard, and there are no other issues relating to the "Community Caretaking" Doctrine, the vehicle may be locked and left at the location. At the driver's request, the vehicle may be towed.

If there is a licensed passenger in the vehicle capable of legally driving, and the driver agrees to release the vehicle to the passenger, the vehicle may be released to the passenger. If the vehicle's location jeopardizes public safety and the efficient movement of vehicular traffic or potentially would likely be a target for vandalism or theft, the vehicle may be towed per California Vehicle Code § 22651(p). The circumstances of the impound should be described on the CHP 180. The vehicle may also be moved to a safe and legal parked position. At the request of the driver, a licensed driver who is legally capable of driving may come pick up the vehicle if time permits. Whether the decision is made to leave the vehicle legally parked, with a licensed driver, or towed, the basis for the decision shall be documented in writing.

If the driver has never been issued a license and is being cited for California Vehicle Code 12500 (a), the same procedures as listed above should be followed. However, when storing a vehicle under authority of California Vehicle Code § 22651(p) circumstances surrounding storage should be documented in any related reports.

502.4.2  14601.1 CVC
If the driver is driving on a court ordered suspension and has knowledge or proof of service is confirmed, the vehicle may be impounded for 30 days per California Vehicle Code § 14602.6(a), regardless of the location where the vehicle is stopped or parked. If the vehicle does not belong to the owner, the owner's knowledge of the driver's suspension must be noted on the CHP 180.

502.4.3  22651(H)(1) CVC
In the situation of an arrest for DUI or other arrestable offense, if the vehicle's location jeopardizes public safety and the efficient movement of vehicular traffic, or it would likely be a target of vandalism or theft, the vehicle may be towed under California Vehicle Code § 22651(h)(1). There is no obligation to move the vehicle to a safe or designated parking stall or space. If the vehicle is towed, articulate in the report why it was towed. For example, "Driver arrested for DUI, vehicle was stopped in the public roadway causing a hazard for other vehicles on the road." Another example of documenting the storage would be, "Driver arrested for DUI, vehicle was parked in the Brea Mall Parking Lot which has a high rate of vehicle thefts and vandalism. Based on this I towed the vehicle per California Vehicle Code § 22651(h)(1)."

502.4.4  OFF STREET PARKING FACILITY
A suspect's vehicle may be left in an off-street parking facility which is open to the public. There is no obligation to contact the property owner of his/her designee to obtain permission. However, if a property owner contacts the officer or the department directly and requests that the vehicle not be parked on their property, the officer shall either legally store the vehicle, or move it to another location.
Vehicle Towing and Release

502.4.5   ALTERNATIVES TO STORAGE
An officer is not required to expend extra time in determining alternative means of removing or safeguarding a vehicle on the public streets when the driver is arrested or is legally unable to drive.

502.4.6   VEHICLE AS EVIDENCE
In situations where a vehicle is, itself, evidence in a case, the vehicle should be stored.

502.4.7   DOCUMENTATION
Officers shall document and articulate the storage authority and the factors considered regarding the storage of a vehicle completely on the CHP180 storage form.

502.5   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) which are not considered evidence or contraband. If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6   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.
Vehicle Towing and Release


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.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Brea 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)).

503.2.1 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
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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.
Impaired Driving

504.1 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).

504.2 POLICY
The Brea 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.

504.3 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.

504.4 FIELD TESTS
The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS
A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
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(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person’s blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS
Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 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
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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)).

504.5.3 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

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.

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.

504.5.4 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.

504.5.5 TESTING OF CONSCIOUS PERSON AT A HOSPITAL
Most blood, breath and urine tests will be administered at the jail. However, if a timely breath or urine test cannot be administered because the person is transported to a medical facility where such tests cannot be facilitated, the person shall be advised that a blood test will be the only choice available and a blood sample may be taken at the facility (Vehicle Code Section 23612(a)(3).

Based on probable cause, the officer should place the conscious person under arrest in the presence of a witnessing officer or medical personnel and advise the attending physician of the intention to collect a sample of the person's blood. Unless the attending physician objects for medical reasons a blood sample will be collected in the prescribed manner.

504.5.6 TESTING OF UNCONSCIOUS PERSON AT A HOSPITAL
When a person is suspected of driving under the influence of alcohol and/or drugs and the person is unconscious or in a condition rendering him or her incapable of refusal, that person is deemed
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not to have withdrawn his or her consent and a blood test may be ordered by the arresting officer. The officer shall advise the attending physician of the intention to collect a sample of the person's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

A person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered. In such cases the handling officer should coordinate with the Coroner's Office to ensure that a viable test will be obtained (Vehicle Code Section 23612(a)(5)).

504.5.7 EXIGENT CIRCUMSTANCES DOCTRINE
Under the exigent circumstances doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will lost if not seized immediately. The above section will generally come within guidelines of the exigent circumstances doctrine.

504.5.8 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).

504.5.9 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).

504.5.10 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).

504.6 REFUSALS
When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.
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(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
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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.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS BUREAU RESPONSIBILITIES
The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

504.8 ADMINISTRATIVE HEARINGS
The Records Supervisor 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.

504.9 ARREST AND INVESTIGATION

504.9.1 WARRANTLESS ARREST
In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.
(b) The person is observed in or about a vehicle that is obstructing the roadway.
(c) The person will not be apprehended unless immediately arrested.
(d) The person may cause injury to him/herself or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.9.2 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.
DUI Investigations/Arrests

505.1 PURPOSE AND SCOPE
Vehicle Code § 23152(a):

California Vehicle Code § 23152(a) makes it unlawful to drive under the influence of an alcoholic beverage or any drug. For purposes of enforcement, this Section is the arrest section and the only elements required are that the arrestee was “driving” a vehicle and that he was under the influence. In almost all cases, DUI complaints are combined with both California Vehicle Code §§ 23152(a) and (b). The significance of subsection (b) is that the District Attorney does not have to prove "under the influence" but, merely that the blood alcohol was over 0.08 percent.

Vehicle Code § 23152(b):

Several pieces of evidence are required to prove California Vehicle Code § 23152(b). The Officer must record, if available, the time of the last drink, the time of the stop and what the arrestee last consumed (type and quantity). Blood alcohol tests are subject to 1538.5 motions. If the driving and field sobriety tests do not support the arrest for California Vehicle Code § 23152(a), the case may be lost on a motion to suppress. Regardless how high the blood alcohol comes back it may be held inadmissible if the Officer does not document sufficient probable cause to stop and arrest for California Vehicle Code § 23152(a). Obviously, if the arrestee refuses to take any type of blood alcohol test, prosecution for California Vehicle Code § 23152(b) is impossible.

505.2 SCREENING
Refer to Policy Manual § 514.

505.3 DUI’S INVOLVED IN TRAFFIC COLLISIONS
Per Vehicle Code §40300.5, an arrest may be made for California Vehicle Code § 23152(a) even if the offense did not occur in the officer’s presence. The required elements are that the driver was involved in a traffic collision and that he is under the influence.

Having an independent witness to put the arrestee "behind the wheel" is not an element; however, prosecution cannot be done without one. In most cases, we will not arrest on Vehicle Code § 23152(a) unless we can establish identity of the driver independently of his own admissions. If the driver is injured, the field sobriety test may be limited or not done at all. It is important that all objective symptoms, statements of witnesses, etc., be collected to substantiate arrest and taking of evidence (blood); if there is no F.S.T., Vehicle Code § 13353 still applies to this situation. Unless the driver is unconscious, it should still be read to him. If there is probable cause to arrest an injured or unconscious suspect for DUI, this blood can lawfully be drawn without the formality of an announced arrest.

Notwithstanding, he has no real choice but "blood" unless he is released from the hospital immediately. After responding to the hospital, the officer should place the person under arrest for Vehicle Code § 23152(a), advise him per Vehicle Code § 13353, have a technician respond
to draw the blood and, unless he will be released by the hospital almost immediately, release him from custody on his own recognizance. If the arrest is for felony DUI, the arrestee should be transported to Western Medical Center Anaheim for medical care and detention. Understanding it is not always practical to transport an injured party to Western Medical, it may become necessary for the suspect to go to the nearest receiving. If the arrestee is not going to be released immediately, and he or she is in police custody, it may become necessary for the arresting officer to monitor the prisoner for up to 24 hours or whenever relieved by other Department Personnel or by Orange County Sheriff Personnel. Officers, with supervisor approval, may attempt to get a detention release so as to release the suspect at the hospital. Do not request the hospital personnel to draw blood for evidence as they do not have the required preservatives nor do they have vials with the necessary evidence booking information. A multi-copy booking form is required in all of the above cases.

Vehicle Code § 40300.5 was amended as of 1-1-85 to allow a peace officer to arrest for DUI any person who the officer has reasonable cause to believe had been driving under the influence of alcohol or drugs, or both, if the officer observes the person in or about a vehicle obstructing a roadway. An example is: the often encountered vehicle stopped at an intersection, motor running and driver passed out behind the wheel.

505.4 PRELIMINARY ALCOHOL SCREENING TESTS
The department uses several standard field sobriety tests to determine the impairment of a suspected intoxicated driver. The Alco Sensor IV has been provided as an additional tool to determine the level of intoxication of suspected intoxicated drivers. It shall be used subject to the following guidelines:

(a) Use will be considered as one of the field sobriety tests used prior to arrest and will generally be the last test given.

(b) When the PAS is used and the subject is arrested, the results will be reflected in the arrest report as with all other FST information.

(c) Administration of PAS shall be limited to officers properly trained in the administration of the PAS unit.

(d) Absent regulations adopted by the State Department of Health for the calibration of PAS equipment, per the manufacturer's recommendations, the units will be calibrated at least once every ten days or 150 tests, whichever occurs first. A calibration log will be kept in the Field Training office. The PAS coordinator will see that timely calibration occurs.

(e) The manufacturer's and department's written instructions for test administration shall be followed carefully.
505.5 VEHICLE STORAGE/IMPOUND
The vehicle of a person arrested for DUI should be stored at the owner's expense under the provisions of Policy Manual § 510.43.

505.6 PROCEDURE FOR LOW B.A. LEVELS
With the use of PAS in the field, officers will be confronted with subjects who are impaired; however, their blood alcohol is below .08%. If an officer contacts a driver with a blood alcohol in the .05% to .07% range, the subject should not be allowed to drive. If necessary and the officer feels that the subject is under the influence, the person may be arrested. Voluntary (coerced) storage of the vehicle without arrest shall be encouraged.

505.7 ADMINISTRATIVE PER SE
Refer to Policy Manual § 526.

505.8 REPORTING
Brea Police Department Records will ensure that the following documents are completed and forwarded to DMV as outlined:

(a) The following documents will be forwarded to DMV within five business days:
   1. Order of Suspension, DS 360 (DMV's copy)
   2. Officer's Statement, DS 367 (original)
   3. Citation (photocopy)
   4. Violator's driver's license (if available)

(b) The Blood/Urine Test Supplement Results, DS 367a, will be forwarded to DMV within 20 calendar days (if applicable).

(c) A copy of the above documents will be attached to the Arrest Report and retained in the file.

505.9 ZERO TOLERANCE
Officers should strictly enforce the "Zero Tolerance" vehicle code provisions when practical. Reference: Vehicle Code §§ 23136, 23137 (BAC for minors).

505.9.1 PROCEDURE
(a) Make traffic stop using usual probable cause.
(b) Using objective symptoms, note presence of alcohol. Conduct field sobriety tests.
(c) If not D.U.I., yet under 21 years of age, a PAS test shall be determined. Note: cannot be intoxilyzer unless immediately available.
(d) Advise driver that they must complete P.A.A. (PRELIMINARY ALCOHOL SCREENING) test. Refusal or failure to complete for any reason is an automatic suspension (Vehicle Code § 13353.1). If no PAS is immediately available, Vehicle Code § 23136 CVC does not apply; must either go D.U.I. or release.

(e) Complete alco-sensor test. Must have 2 samples.

(f) Complete DMV FORM DS 360A (order of suspension). Give COPY to driver. If driver is non-English speaking, issue the Multiple Languages Form DS 700.

(g) REPORT: DS 367 acts as the full report with attachments of DS 360A and storage form if needed. List results of PAS test on DMV form DS 367. Take CDL, attach to form and return to records.

(h) Obtain printout of PAS results, write case number on top of printout, attach to DUI forms and turn into Records.

(i) Advise driver they cannot drive.

(j) Choice of:
   1. Remove driver to safe location
   2. Release vehicle and driver to non-drinking licensed driver, or in case of juveniles, to parents or legal guardians.
   3. Legally park vehicle and send driver on their way.
   4. When other options fail and driver expresses intent to drive before .00 BAC level is reached, store the vehicle per Vehicle Code § 22651 (h) (1) (zero tolerance enforcement).

NOTE: Since Vehicle Code §§ 23136/23137 CVC are neither infractions nor public offenses as defined in Penal Code § 15; this is not probable cause for vehicle searches incident to a lawful arrest. These violations are subject only to civil penalties, which includes a $100 reissue fee for the CDL and a one-year suspension or delay to receive a CDL. It does not apply to "points" against the CDL.
Traffic Citations

505.1  PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2  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 Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3  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 Courts.

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.

505.4  VOIDING TRAFFIC CITATIONS
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Uniform Division Commander.

505.5  CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction and shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

505.6  DISPOSITION OF TRAFFIC CITATIONS
Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Watch Commander or his/her designee.

505.7  NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1  APPEAL STAGES
Appeals may be pursued sequentially at three different levels:
Traffic Citations

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available through the Turbo-Data ticket processing agency. 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 the 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.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in
addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.8 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

506.1 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.

506.2 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.

506.3 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.

506.3.1 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.

506.3.2 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.

506.3.3 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.

506.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
72-Hour Parking Violations

507.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Brea City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

507.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of Brea 72-Hour Parking Ordinance shall be marked and noted as appropriate. 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 should be noted. 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.

If a marked vehicle has been sufficiently 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. An appropriate indicator of the vehicle being moved is a change in the odometer reading.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 MARKED VEHICLE FILE
Police Service Officers shall be responsible for the follow up investigation of all 72-hour parking violations.

507.2.2 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 Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS) (Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals 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).
Conduct of Sobriety Checkpoints

508.1 PURPOSE AND SCOPE
The purpose of this directive is to provide policy and procedures for the conduct of sobriety checkpoints by the Brea Police Department.

508.2 OBJECTIVE
The objective of this document is to provide sufficient administrative direction concerning the use of sobriety checkpoints to ensure conformance with constitutional requirements.

508.2.1 REFERENCES
(a) State Attorney General's Opinion Number 84 902 (Nov. 8, 1984)
(b) CHP Operational Directives Sobriety Checkpoints (Nov 1985)

508.3 POLICY
It shall be the policy of the Brea Police Department to use sobriety checkpoints only after provision has been made to satisfy the following procedures:

(a) The times of operation and location of checkpoints shall be based on empirical evidence of high DUI activity or alcohol related crashes.

(b) Checkpoint sites shall be established with high visibility; i.e., warning signs, flashing lights, flares or cones, police vehicles, and the presence of uniformed officers.

(c) Police officers conducting the checkpoint shall either stop all traffic or use some pre-established, unbiased formula to decide which vehicles to stop; i.e., every third, fifth or tenth vehicle.

(d) After being stopped, a motorist will be contacted briefly and screened for signs of intoxication. Normally, an interview will last no more than 30 seconds and officers may request the driver to produce license or registration at this point.

(e) Based upon the officers observations, he shall either wave the motorist on or direct him to a secondary area for further investigation. In the latter case, the officer may ask for license and registration and request the person to submit to the department's standard field sobriety test.

(f) If the driver fails these tests and the officer has probable cause, the motorist should be arrested for driving under the influence.

(g) The arrestee is then transported to the station, booked and is requested to submit to a chemical test per Vehicle Code §§ 23157 and 13353.

(h) Should department authority chose to utilize sobriety checkpoints as a technique to combat DUI, it shall only be done after the Patrol Division Commander has issued a DEPARTMENT SPECIAL ORDER covering the following factors:
Conduct of Sobriety Checkpoints

1. Location
2. Time and duration
3. Method of operation
4. Advance warning to the public generally
5. Advance warning to approaching motorists
6. Fear and anxiety generated in motorists
7. Maintenance of safety conditions
8. Average time motorists are detained
9. Standards set by superior officers
10. Discretion left to field officers

(i) Upon the completion of the sobriety checkpoint, the Division Commander shall cause to be forwarded to the Chief of Police an administrative report evaluating both the effectiveness of the procedure and discussing the alternatives to the use of sobriety checkpoints.
DMV Forms and Usage

510.1 PURPOSE AND SCOPE
Law enforcement and the D.M.V. share much of the responsibility for driver safety. To coordinate their efforts, D.M.V. has provided several forms for use by police agencies, to assist D.M.V. in taking appropriate action with negligent operators. While most of the forms are self explanatory, this section is provided to describe D.M.V. policies related to the forms, and to define the department's policy in completing and forwarding the forms to D.M.V. The forms are maintained in stock and may be reordered at:

Department of Motor Vehicles Forms Management Unit
P.O. Box 932382 Sacramento, Ca. 94232 3820
(916) 657-7836

510.2 VERBAL NOTICE BY PEACE OFFICER, DMV OR COURT EMPLOYEE (DL 310)
This form is provided to document officer's advisement to drivers of their driver's license suspension. When an officer contacts an offender whose license privilege has been suspended, he should verbally notify him/her, complete DL 310 form, have the violator sign DL 310, and confiscate the license (if in possession). The white copy shall be given to the violator and the yellow and pink copies retained. If a citation is issued to the violator, notes should be included on the back as to the reason for the stop, statements made by the offender, and any other pertinent information. Records will be responsible for forwarding the DL 310 form and license to D.M.V.

510.3 REQUEST FOR RE EXAMINATION OF DRIVER NOTICE OF PRIORITY RE-EXAMINATION OF DRIVER (DS 427)
Vehicle Code §§ 12818 and 12819 provide for re examination of the drivers license privilege upon recommendation by law enforcement. Reasons for suspension or revocation may be: driver is an alcoholic or drug addict, driver has disorder characterized by lapses of consciousness, driver is determined to be unable to understand traffic signs or signals or is unable to understand traffic laws, or driver is unable to safely operate a motor vehicle because of disability, disease, disorder or lack of skill.

510.3.1 ROUTINE RE-EXAMINATION
Under circumstances where the disability or infirmity does not constitute an emergency, the officer shall complete DS 427 and a brief traffic report which shall be forwarded to D.M.V.

510.3.2 PRIORITY RE-EXAMINATION
Effective July I, 1987 the Vehicle Code allows for immediate notification to a driver by police officers for priority reexamination of the drivers license privilege. Circumstances justifying immediate reexamination are:
(a) The driver must be cited or arrested for violation of citable provisions of Vehicle Code §§ 21000 through 23336 (or section violated must be the PCF or associated factor of a collision).

(b) The driver must show evidence of incapacity.

(c) The incapacity must immediately affect driving safety.

(d) The officer must issue the driver a Notice of Priority Reexamination.

In these cases the officer shall verbally notify the driver of the need for reexamination. The DS 427 form shall be completed at the scene of the stop. The driver should sign the form. The pink copy shall be given to the violator and the original (white) and yellow copy retained. The officer shall complete a traffic report (or include details in T.C. report). Records shall forward the original (white) copy to DMV immediately (within 24 hours). The yellow copy shall be retained in the case file. The law requires immediate suspension of the driving privilege for drivers failing to contact DMV within 5 working days.

510.4 OFFICER'S STATEMENT, SECTION 13353 VEHICLE CODE (DS 367) AND (DS 367A)
Refer to Policy Manual § 514.

510.5 REQUEST FOR CONFIDENTIALITY OF HOME ADDRESS (DMV 57)
Policy Manual

§ 214 prohibits the use of the Department's address on privately owned motor vehicle registration of drivers license records except through the use of DMV 57 form. Department policy and DMV regulation shall be complied with by Department personnel. Form shall only be approved by the Chief of Police.

510.6 TELEPHONIC D.M.V. HEARINGS
D.M.V. hearings will be done on a conference call arranged by the D.M.V. hearing officer. All D.M.V. forms will use the phone number 714/990-7625. On-duty officers would use the station or sub-station to call the hearing officer back and complete the hearing. Off-duty officers who have been subpoenaed would go on-call as usual. The Records clerk who takes the call from the D.M.V. would call the officer at home or any number where the officer could be reached. The officer would testify from that location. Normal on-call court provisions apply.
Overnight Parking

511.1 PURPOSE AND SCOPE
Brea City Code § 14.85, restricts overnight parking on public streets. Residents are expected to make reasonable use of garage, driveway, off alley, and any other parking legally available. Landlords are expected to make off street parking available for their tenants. In the event that there is no reasonable alternative, a parking permit may be issued through the Development Services Department. Permits will not allow on street storage of any vehicle (limited to 72 hours by city ordinance), nor will they permit parking at a location other than in front of the applicant's residence. Permits may be revoked by the Development Services Director if the originally stated need no longer exists, if the permit was issued in error, or if the resident fails to comply with the regulations concerning issuance of the permit. Officers becoming aware of circumstances likely to cause revocation should forward that information to the Development Services Department.

511.2 TEMPORARY OVERNIGHT PARKING PROBLEMS
All persons calling the Brea Police Department requesting temporary permission to park their vehicle on the street overnight, will be asked to place a note inside the driver's compartment of the vehicle giving their name, the local address where they are staying, date, and a brief statement as to why the vehicle is being left on the street.

Patrol officers upon finding the vehicle parked on the street with a note displayed, will honor the request. They should, however, if possible, make a visual check to confirm the validity of the request. If, in the opinion of the officer, the note is a subterfuge or an attempt to circumvent the intent of the ordinance, the vehicle may be cited. The reason shall be noted on the citation's face and the Watch Commander shall be notified as soon as practical.
Use of Seat Belts

512.1 PURPOSE AND SCOPE
Although Vehicle Code § 27315 provides an exemption for peace officers while driving authorized emergency vehicles, it also identifies the authority of the employing agency to require their use as a policy matter. Therefore, all department personnel shall use safety belts while operating department vehicles. They shall also be responsible for requiring passengers and prisoners to use safety belts, absent unusual circumstances (such as a combative prisoner) where such action is impractical.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY
It is the policy of the Brea Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES
An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
   1. An initial statement from any witnesses or complainants.
   2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
   1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
   3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
   4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
   5. Collect any evidence.
   6. Take any appropriate law enforcement action.
   7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES
A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take
any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4  CUSTODIAL INTERROGATION REQUIREMENTS
Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1  AUDIO/VIDEO RECORDINGS
Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2  MANDATORY RECORDING OF ADULTS
Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.
(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
Investigation and Prosecution

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS
The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
   1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
   2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.
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600.6 COMPUTERS AND DIGITAL EVIDENCE
The collection, preservation, transportation and storage of computers, cell phones and other
digital devices may require specialized handling to preserve the value of the related evidence. If
it is anticipated that computers or similar equipment will be seized, officers should request that
computer forensic examiners assist with seizing computers and related evidence. If a forensic
examiner is unavailable, officers should take reasonable steps to prepare for such seizure and
use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES
Use of social media and any other Internet source to access information for the purpose of criminal
investigation shall comply with applicable laws and policies regarding privacy, civil rights and
civil liberties. Information gathered via the Internet should only be accessed by members while
on-duty and for purposes related to the mission of this department. If a member encounters
information relevant to a criminal investigation while off-duty or while using his/her own equipment,
the member should note the dates, times and locations of the information and report the discovery
to his/her supervisor as soon as practicable. The member, or others who have been assigned to
do so, should attempt to replicate the finding when on-duty and using department equipment.
Information obtained via the Internet should not be archived or stored in any manner other
than department-established record keeping systems (see the Records Maintenance and Release
and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS
Information that can be accessed from any department computer, without the need of an account,
password, email address, alias or other identifier (unrestricted websites), may be accessed and
used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account,
password, email address, alias or other identifier, or the use of nongovernment IP addresses,
requires supervisor approval prior to access. The supervisor will review the justification for
accessing the information and consult with legal counsel as necessary to identify any policy or
legal restrictions. Any such access and the supervisor approval shall be documented in the related
investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires
supervisor approval and the consent of the third party. The consent must be voluntary and shall
be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity,
accuracy and reliability. Corroborative evidence should be sought and documented in the related
investigative report.

Any information collected in furtherance of an investigation through an Internet source should be
documented in the related report. Documentation should include the source of information and
the dates and times that the information was gathered.
600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY
The Investigative Services Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:
   1. The purposes for which using cellular communications interception technology and collecting information is authorized.
   2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
   3. Training requirements necessary for those authorized employees.
   4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
   5. Process and time period system audits.
   6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
   7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
   8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.
Sexual Assault Investigations

601.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS
Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY
It is the policy of the Brea Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS
Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.
601.4 REPORTING
In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS
The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5.1 VICTIM RIGHTS
Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).
601.5.2 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim’s parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE
Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, SAFE kits are processed and retained by forensic personnel at the medical screening facility (SAFE PLACE) until collected by evidence technicians from the Orange County Crime Laboratory and submitted to the crime lab within 20 days (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the Brea Crime Scene Investigator 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 Brea Crime Scene Investigator determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the Brea Crime Scene Investigator shall update the SAFE-T database to reflect the reason for the delay in testing. The
Sexual Assault Investigations

Brea Crime Scene Investigator 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 Brea Crime Scene Investigator shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 DNA TEST RESULTS
A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim’s case (Penal Code § 680).

   1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

   2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim’s authorized designee regarding the status of any DNA testing.

(b) 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 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).
Sexual Assault Investigations

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.

601.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.7 DISPOSITION OF CASES
If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW
The Detective Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

601.9 RELEASING INFORMATION TO THE PUBLIC
In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.
601.10 TRAINING
Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. Training should include:
   1. Initial response to sexual assaults.
   2. Legal issues.
   3. Victim advocacy.
   4. Victim’s response to trauma.
   5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
   1. Interviewing sexual assault victims.
   2. SART.
   3. Medical and legal aspects of sexual assault investigations.
   4. Serial crimes investigations.
   5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
   6. Techniques for communicating with victims to minimize trauma.
Detective Case Assignment and Disposition

602.1 CASE ASSIGNMENT
Assignment of cases to the Investigations Unit for follow up investigation will be made in the following circumstances:

(a) All sex crimes.
(b) All suicides, attempt suicides, unattended and/or accidental deaths.
(c) All missing persons unless the victim is located and/or returned prior to receipt of the case by the Detective Bureau.
(d) All misdemeanor crimes when a possible suspect or vehicle is identified or lead established during the preliminary investigation.
(e) All narcotic and dangerous drug cases.
(f) All check, credit card, fraud, and forgery cases.
(g) Any crime or incident where, in the opinion of the Detective Division Commander or a Detective Sergeant, the nature of the case warrants assignment and investigation.
(h) The cases will be distributed to the respective Detective by the Detective Sergeant.

1. One of the Brea Team Detectives
2. Financial Crimes Detectives
3. Juvenile/Sex Crimes
4. Robbery Homicide
5. Special Enforcement Detail

The case will be reviewed by the respective Detective to determine if the case has any leads, prioritization of the case and make the necessary contacts. The Detective Sergeant will case the report into the Case Management area of the Records Management System (RMS). Any work or contacts the Detective makes on the case will be entered into the RMS through Case Management. This will cause a record of the Detective's investigation into the case.

602.2 CASE CLOSURE

602.2.1 CLOSED-UNFOUNDED
A complaint that is determined through investigation to be false, civil or baseless. If the investigation shows no offense occurred nor was attempted, the reported offense can be unfounded for the State Uniform Crime Reporting requirements.

602.2.2 CLOSED-ARREST
An offense is "cleared by arrest" or solved for crime reporting purposes when at least one person is:
Detective Case Assignment and Disposition

(a) Arrested

(b) Charged with the commission of the offense

(c) Turned over to the court for prosecution (whether following arrest, court summons or police notice). Although no physical arrest is made, a clearance by arrest can be claimed when the offender is a person under 18 years of age and is cited to appear in juvenile court or before juvenile authorities.

602.2.3 CLOSED-EXCEPTIONAL
In certain situations, law enforcement is not able to follow the three steps outlined under "clearance by arrest" to clear offenses known to them. If all leads have been exhausted and everything possible has been done in order to clear a case, and the following questions can be answered "yes," the offense can be cleared "exceptionally" for crime reporting purposes:

(a) Has the investigation definitely established the identity of the offender?

(b) Is there enough information to support an arrest, charge and turn over to the court for prosecution?

(c) Is the exact location of the offender known so that the subject could be taken into custody now?

(d) Is there some reason outside law enforcement control that precludes arresting, charging and prosecuting the offender? (i.e., restitution is made, the victim refuses to prosecute or the district attorney rejects the complaint).

602.2.4 CLOSED-OTHER
A criminal case may be "closed other" under the following situations:

(a) When no suspects can be located, no physical evidence obtained and no witness found.

(b) When a police report is made for insurance purposes or documentation of the incident.

602.2.5 CLOSED-SUSPENDED
A case must be "closed suspended" until such time that property/monetary loss is recovered or until another closure can be used.

602.3 DETECTIVE CASE DISPOSITION
The disposition of criminal cases by investigators will be accomplished by the use of the Detective Case Management System using one of the aforementioned closures. All cases will remain in an open status and it will be the responsibility of the assigned investigator to make the proper disposition.

602.4 DETECTIVE CASE MANAGEMENT ACTIVITY CODE

(a) AA Cleared by Arrest (Adult) Pending
Detective Case Assignment and Disposition

(b) AJ Cleared by Arrest (Juvenile) Pending
(c) CJ Closed Judicial (Court/Prosecutor)
(d) CO Closed Other
(e) EA Cleared Exceptional (Adult) Closed
(f) EJ Cleared Exceptional (Juvenile) Closed
(g) SU Suspended Closed
(h) UA Unassigned Closed
(i) UF Unfounded Closed
Asset Forfeiture

602.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS
Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Brea Police Department seizes property for forfeiture or when the Brea Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.

2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.

4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
Asset Forfeiture

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY
The Brea Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

It is the policy of the Brea Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE
Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE
The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).
Asset Forfeiture

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 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).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.
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Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 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.
(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER
The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant
Asset Forfeiture

guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.

2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

3. A space for the signature of the person from whom cash or property is being seized.

4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.

2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).

4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

6. Any cash received is deposited with the fiscal agent.

7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

8. Current minimum forfeiture thresholds are communicated appropriately to officers.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
Asset Forfeiture

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

602.7 RESTRICTIONS ON USE OF FEDERAL EQUITABLE SHARING
As a condition of eligibility and participation in the federal equitable sharing program, The City of City of Brea Police Department must comply with the guidelines governing the program which are contained in the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement Agencies (April 2009) (Guide) as amended from time to time. Failure to adhere to the policies set forth in the Guide can result in a range of sanctions, including denial of an agency's equitable sharing requests.

602.7.1 REQUEST APPROVALS
As a participating agency in the sharing program, each year the City of City of Brea PD is required to submit an Agreement and Certification Report (ACR) to the Department of Justice Asset Forfeiture and Money Laundering Section reflecting the amount of equitable sharing funds received and an itemization of expenditures. Among the more important provisions covering the use of shared funds are those pertaining to salaries and benefits. Equitable sharing monies may not be used to pay the salaries and benefits of current, permanent law enforcement personnel, except in limited circumstances as set forth below and where approved in writing in advance by the Chief of Police.
• Requests for approval shall bear specific justification and detail surrounding the request and contain the name of the officer(s), duration and amount of the funding requested.

• Requests must be verified and signed by the supervisory officer prior to submitting the request to the Chief of Police for final decision.

• Copies of any requests approved by the Chief of Police must be submitted to the Director of Administration prior to commencing any duties funded with sharing money. Supervisors and officers subject to such approved requests are responsible for preparing and maintaining all related payroll and benefit records in good form and in compliance with all other department requirements. The records will be subject to both internal and external audit.

• Requests for limited circumstance funding with Equitable Sharing money will not be considered for approval unless one of the following conditions apply:

a. Express statutory authorization exists - If approved under instances where federal law expressly permits City of Brea PD to use equitably shared funds to pay the salaries and benefits of officers to be used as matching funds in federal grant programs.

b. Overtime of officers and investigators - If approved, shared funds may be used to pay the overtime of officers and investigators involved in law enforcement operations.

c. New positions and temporary or not-to-exceed one year appointments - If approved, shared funds may be used to pay the first year’s salary and benefits of an individual hired for a new sworn law enforcement position that supplements the current law enforcement work force. After the first year, the salary and benefits for that position must be paid entirely from City of Brea PD's appropriated funds. Shared funds may also be used to pay the salaries of temporary (less than one year) positions or not-to-exceed one year appointments. This exception applies strictly to sworn law enforcement positions. Shared funds may not be used to provide funding for unsworn, support personnel (e.g., administrative, secretarial, or clerical positions).

d. Salary of an officer hired to replace an officer assigned to a task force - When City of City of Brea PD assigns a law enforcement officer to a task force for a period of at least one year or the life of the task force and hires a new law enforcement officer to replace the officer so assigned, the Chief of Police may approve the payment of the salary and benefits for the replacement officer from equitable shared funds so long as the replacement officer does not engage in the seizure of assets or narcotics law enforcement as a principal duty.

Questions concerning this policy should be directed to the Chief of Police or the Director of Administration. Interpretations and clarifications of matters covered in the Guide to Equitable Sharing for State and Local Law Enforcement Agencies are also available through the Program Operations Unit of the Asset Forfeiture and Money Laundering Section of the Department of Justice.
602.8 DISPOSITION OF FORFEITED PROPERTY
Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer’s employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.8.1 RECEIVING EQUITABLE SHARES
When participating in a joint investigation with a federal agency, the Brea Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

602.9 CLAIM INVESTIGATIONS
An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).
Informants

603.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS
Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Brea Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Brea Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The Brea Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL
Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS
The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Chief of Police or the authorized designee
603.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Crime Suppression Unit supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Brea Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.
   1. Members shall not become intimately involved with an informant.
   2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Crime Suppression Unit supervisor.
   3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Crime Suppression Unit supervisor.
   1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be
unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a
determination has been made by a supervisor, the informant should not be used by any member.
The supervisor shall determine whether the informant should be used by the Department and,
if so, what conditions will be placed on his/her participation or any information the informant
provides. The supervisor shall document the decision and conditions in file notes and mark the
file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to,
the following:

(a) The informant has provided untruthful or unreliable information in the past.
(b) The informant behaves in a way that may endanger the safety of an officer.
(c) The informant reveals to suspects the identity of an officer or the existence of an
investigation.
(d) The informant appears to be using his/her affiliation with this department to further
criminal objectives.
(e) The informant creates officer-safety issues by providing information to multiple law
enforcement agencies simultaneously, without prior notification and approval of each
agency.
(f) The informant engages in any other behavior that could jeopardize the safety of
officers or the integrity of a criminal investigation.
(g) The informant commits criminal acts subsequent to entering into an informant
agreement.

603.5 INFORMANT FILES
Informant files shall be utilized as a source of background information about the informant, to
enable review and evaluation of information provided by the informant, and to minimize incidents
that could be used to question the integrity of department members or the reliability of the
informant.

Informant files shall be maintained in a secure area within the Crime Suppression Unit. The
Crime Suppression Unit supervisor or the authorized designee shall be responsible for maintaining
informant files. Access to the informant files shall be restricted to the Chief of Police, Division
Commander, Crime Suppression Unit supervisor or their authorized designees.

The Investigative Services Division Commander should arrange for an audit using a representative
sample of randomly selected informant files on a periodic basis, but no less than one time per
year. If the Crime Suppression Unit supervisor is replaced, the files will be audited before the new
supervisor takes over management of the files. The purpose of the audit is to ensure compliance
with file content and updating provisions of this policy. The audit should be conducted by a
supervisor who does not have normal access to the informant files.
Informants

603.5.1 FILE SYSTEM PROCEDURE
A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases
(b) Date of birth
(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
(d) Photograph
(e) Current home address and telephone numbers
(f) Current employers, positions, addresses and telephone numbers
(g) Vehicles owned and registration information
(h) Places frequented
(i) Briefs of information provided by the informant and his/her subsequent reliability
   1. If an informant is determined to be unsuitable, the informant’s file is to be marked “unsuitable” and notations included detailing the issues that caused this classification.
(j) Name of the officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS
No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant’s personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Crime Suppression Unit supervisor will discuss the above factors with the Uniform Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:
Informants

(a) Payments of $500 and under may be paid in cash from a Crime Suppression Unit buy/expense fund.
   1. The Crime Suppression Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
   1. The check shall list the case numbers related to and supporting the payment.
   2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
   3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
   4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
   1. The cash transfer form shall include the following:
      (a) Date
      (b) Payment amount
      (c) Brea Police Department case number
      (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   2. The cash transfer form shall be signed by the informant.
   3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS
Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.
Informants

603.6.3 AUDIT OF PAYMENTS
The Crime Suppression Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.
Eyewitness Identification

604.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 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.

604.2 POLICY
The Brea 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.

604.3 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.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.
(b) The name and identifying information of the witness.
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.

604.5 EYEWITNESS IDENTIFICATION
Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

• The individual was apprehended near the crime scene.
• The evidence points to the individual as the suspect.
• Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

604.6 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 not be
used when independent probable cause exists to arrest a suspect. 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.

604.6 DOCUMENTATION
A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.
Eyewitness Identification

604.6.1  <B>DOCUMENTATION RELATED TO RECORDINGS</B>
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).

604.6.2  <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>
If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.6  PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.6.1  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 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).
Brady Material Disclosure

605.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “Brady information”) to a prosecuting attorney.

605.1.1 DEFINITIONS
Definitions related to this policy include:

**Brady information** - Information known or possessed by the Brea Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY
The Brea 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 Brea 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.

605.3 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.
Brady Material Disclosure

605.4 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.

605.5 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.

605.6 TRAINING
Department members should receive periodic training on the requirements of this policy.
Rape Investigation

605.1 POLICY

(a) When the crime of rape has occurred, it is essential to prove as an independent fact whether or not there was penetration. Proof of this fact may depend primarily on the results of a physical examination. It is therefore incumbent upon the investigating officer to obtain this corroborating examination as soon after the crime as practical. This examination shall normally be conducted at "The Safe Place" at Anaheim Memorial Medical Center, Anaheim, by an on call forensic nurse. This location is currently the only Orange County Facility conducting forensic sexual assault examinations.

(b) This examination shall be made only after obtaining the victim's permission; or in the case of a juvenile, the parents' permission.

(c) When the officer accompanies the victim to the location of examination, the officer shall, with the victim's approval, notify the rape victim-counseling center at (714) 957 2737 and provide the victim with information which describes the survivor's basic rights and lists local resources, services and 24 hour phone numbers which are available to victims. The form should be given to the victim (copies available in form supply). Fill out and have signed BPD Form F-25A in regards to Penal Code § 293.a.

1. The officer shall obtain all necessary information regarding the examination, including the names of the forensic nurse who conducted the examination and/or collected any evidence, and any nurse or technician who witnessed the examination and/or participated in the collection of evidence. The officer shall also make sure that medical personnel have filled out the sexual assault medical report and have turned a copy over to the police department. The officer shall also obtain a description from the forensic nurse of the examination results.

(d) The officer shall request all physical evidence collected by medical personnel and make sure that the protocol for the sexual examination kit was followed. The officer shall also collect all clothing from the victim and bedding that the victim was examined on and each item shall be packaged individually in a paper bag and preserved. All of the above evidence shall be returned to the Brea Police Department and refrigerated so that it can be transported to the Orange County Crime Lab in a preserved condition.

(e) Following the confirmation of a sexual assault taking place (any crime falling under Penal Code §§ 243.4, 261, 262, 261.5, 286, 288, 288a or 289), the Detective Bureau should be notified as soon as possible so that a detective assigned to the sexual assault unit can be involved in the initial investigation and evidence collection.

(f) If a suspect is arrested, evidence should be collected using the "Sexual Assault Evidence Collection Kit" marked "Suspect". (The most recent revision to this kit is
dated 4/2/96). These kits are available in the Evidence Locker room. In addition to the evidence items described in the kit, if the suspect has any blood on his skin, the blood should be swabbed, air dried and placed in a paper envelope. If the suspect has any bite marks, they should be photographed and cast if possible. An overall photograph should be taken of the suspect, as well as photographs of any visible injuries on the suspect.

(g) In the cases where a vehicle is involved and has been located, the vehicle should be impounded and sealed so the search warrant can be obtained for the inside of the vehicle.

Do not contaminate the inside of the vehicle. Visually search the interior of the vehicle. Note what type of evidence can be seen. Advise the detective or CSI investigator of the evidence.

The suspect's vehicle should not be searched unless a search is essential to build enough probable cause of arrest under 836.3 of the Penal Code (exigent circumstances). If enough probable cause exists for arrest in the field and the suspect is arrested, the suspect's vehicle should be impounded and not searched until a warrant is obtained regardless of consent.

605.1.1 FEDERAL VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA requires that the victim have the right to:

A Sexual Assault Forensic Medical Examination at no cost to the victim/patient.

A Sexual Assault Forensic Medical Examination without any requirement or obligation to cooperate with law enforcement or to participate in criminal justice proceedings.

For above purposes individuals 12 years old and above have the right to consent or decline consent to a forensic sexual assault examination.

605.1.2 SEXUAL ASSAULT EVIDENCE KITS

Officers/Investigators shall take possession of the sexual assault evidence kit and place it into evidence at the City of Brea Police Department.

605.1.3 SAFEPLACE

If contacted by SAFEPLACE regarding a rape exam, off shall do the following:

Complete a suspicious circumstance report.

Collect the rape kit and medical exam paperwork from the SART Nurse at SAFEPLACE and book into evidence at the City of Brea Police Department.

Notify Detective Sergeant.
Clandestine Drug Laboratories Investigations

607.1 PURPOSE AND SCOPE
To establish a guideline for the safe and effective response to an investigation of clandestine laboratories.

There are four sources of illicit drugs in the United States: smuggling, diverted legitimate sources such as pharmacies, cultivation and illegal (clandestine) laboratories. Perhaps the most hazardous of the sources to investigators is the clandestine laboratory. The objectives of an investigation of this type are to locate the laboratory, develop sufficient probable cause for warrants, seize the laboratory, and successfully prosecute all participants.

607.2 INVESTIGATION
This procedure establishes policy regarding the safe and effective investigation of clandestine laboratories. Almost all the drugs that are seen by the police in the performance of their duties are clandestinely manufactured except for two: marijuana and peyote. All others, such as heroin, cocaine, phencyclidine and methamphetamine are illegally manufactured in labs in varying degrees of sophistication.

607.2.1 FIELD OFFICER RESPONSIBILITY
Physical safety of all persons: neighbors, suspects and officers in conducting preliminary investigations to assist in criminal charges.

607.2.2 INITIAL INVESTIGATION
Officers responding to calls of clandestine labs or discarded materials should note any details readily evident to assist in the proper notification of assisting agencies (such as: smell of chemicals, discarded chemical containers, blacked-out window, rags stuffed in window cracks, chemistry paraphernalia, visible flames from burners, etc.)

607.2.3 EXIGENT CIRCUMSTANCES
Once an officer believes that an emergency circumstance exists, the following notifications and requests should be made:

(a) Request a Field Supervisor to respond to the location.
(b) Notify the Watch Commander.
(c) Request response from the Brea Fire Department. Advise the responding fire agency the need for their HAZMAT unit.
(d) If children are found at a lab site, immediately activate the DRUG ENDANGER CHILDREN (DEC) protocol.
(e) Notify the supervisor of the Special Enforcement Detail or the SED Area Detective where the possible lab is located. Upon arrival, narcotic investigators will determine and assess the need for response of the Orange County Crime Lab or other assistance.
as necessary (such as: Hazardous Device Team from the Orange County Sheriff’s Department and Hazardous Material Team from the Orange County Fire Department of Department of Justice, BNE lab Crew). The Orange County BNE Lab Crew (Orange County Lab Response Team-OCLRT) can be notified immediately by either the Watch Commander or by the Special Enforcement Detail. If OCLRT is notified by the Watch Commander, SED still needs to be notified by the Watch Commander. To notify the Orange County Lab Response Team, contact the DOJ/BNE Special Agent Supervisor at the Orange County Office (558-4138). Do not contact any detective or special agent assigned to OCRLT directly, as the call out team is on a rotating basis and the DOJ/ BNE Supervisor handles the team call out.

607.2.4 INITIAL RESPONSE
Initial officers responding to the scene shall help develop and implement an operational plan to render the location safe. The plan should normally include:

(a) Sealing off the area.
(b) Evacuation, if necessary.
(c) Shutting off natural gas of nearby structures.
(d) Warrantless emergency entry into the structure (if appropriate and safe)
(e) Effecting any necessary arrest(s).
(f) Maintaining security of the premise as long as deemed necessary by the on-scene supervisor. (Request for the assignment of patrol personnel should be made to the on-scene patrol sergeant or Watch Commander.)

607.2.5 SAFETY CONSIDERATIONS
It is advisable that officers do not make entry into any lab area unless absolutely necessary. If entry must be made, strict safety precautions should be followed. When possible, a trained criminologist should accompany officers entering the structure in case a suspect throws caustic chemicals. Any spark such as a gunshot could cause an explosion/fire if chemical fumes exist.

• **DO NOT SMOKE OR USE MATCHES** at the scene.
• **DO NOT TURN LIGHTS ON OR OFF** inside the laboratory until it is well ventilated.
• **DO NOT TOUCH, TASTE OR SMELL** any chemicals, as many of the chemicals are very toxic. Make sure the clandestine laboratory is well ventilated by opening doors and windows.
• **DO NOT** take photographs using a flashbulb; use strobe slashes only. Be sure to wash hands well after leaving the clandestine laboratory. This will prevent contamination later.
• **DO NOT** turn any heating or cooling devices, which may be used, on or off. Flasks removed from ice baths or circulation water tubs can cause a chemical reaction (in
other words, heat up and explode). The mere change in atmospheric temperatures can cause an explosion/fire in clandestine laboratories.

607.2.6 DISPOSAL
Disposal of any chemical waste is controlled by the California Department of Health Services, Title 22 of the California Administrative Code. The Hazardous Materials Team of the Orange County Fire Department and OCLRT will contact these waste handling companies.

Disposal of explosive chemicals can be handled by the Orange County Sheriff's Department, Hazardous Device Team. State Law (Health and Safety Code § 25345.5 H&S) allows for the reimbursement of money spent on the disposal of hazardous wastes from clandestine laboratories.

607.3 DRUG ENDANGERED CHILDREN (METH LAB) COUNTY PROTOCOL
The purpose of the DRUG ENDANGERED CHILDREN PROGRAM is to intervene on behalf of children who have been exposed to methamphetamine, or toxic chemicals as a result of residing in a home-based clandestine drug laboratory and to vigorously prosecute the offending adults. The DRUG ENDANGERED CHILDREN RESPONSE TEAM (DEC METH LAB TEAM) will provide a comprehensive county wide multi-agency response by coordinating law enforcement, Children and Family Services (Child Protective Services) and the District Attorney's Office to events of Drug Endangered Children, ensuring the safety of child victims and the vigorous prosecutions of the adults who endanger children.

607.3.1 DEC TEAM
Children & Family Services

DEC Social Workers

CALL CHILD ABUSE HOT LINE
(714) 940-1000

St. Joseph/CHOC
Emergency Room
Charge Nurse
(714) 771-8233

607.3.2 PROCEDURES
If children are found at a lab site, do not release the children:

(a) Immediately call the Child Abuse Hot Line at (714) 940-1000 to request the DEC Social Worker to respond to the site ASAP to assess the disposition of the children.

(b) Record children's full names and DOB, and the parents' names and DOB.

(c) Have an officer available to transport the children to St. Joseph/CHOC Emergency Room and Orangewood. The DEC Social Worker will accompany the children to the
ER for physical examination, blood draw and forensic urine sample. Take the urine sample to OCSD Crime Lab. The officer will not need to stand by at the hospital while examination is completed; we only need to provide transportation and the DEC Social Worker will remain with the children.

(d) During the course of the investigation document and photograph evidence to support felony Penal Code § 273a and Health and Safety Code § 11379.7 charges.

(e) Advise BNE that children are present and they will notify the responding Agents of the DEC situation.

607.4 CLANDESTINE LABORATORY INVESTIGATIONS

The Brea Police Department will follow California Department of Justice, Bureau of Narcotics Enforcement (DOJ/BNE) Guidelines while investigating a clandestine lab scene. Investigators of the Special Enforcement Detail (S.E.D.) assigned to the DOJ/BNE Task Force are trained and equipped to follow DOJ/BNE procedures. The Brea Police Department will also closely cooperate with the Brea Fire Department and Orange County Fire Authority Haz-Mat Units.

The DOJ/BNE Clan Lab Team at the Orange office is willing to cooperate and assist local agencies with lab investigations. Their policy, however, is that unless they are included in the investigation from the beginning, they will not respond simply to clean up the lab site for the investigating agency. When an agency just happens onto a lab site (usually during a patrol investigation), DOJ/BNE is willing to assist with the cleanup. Any investigator who is beginning a clandestine lab investigation, or who anticipates an investigation leading to a lab, should offer to include the DOJ/BNE Lab Team in the investigation. The Brea Police Department has prepared itself to assist DOJ/BNE during lab site investigations and cleanups.

607.4.1 CRIME SCENE INVESTIGATION

The safety of the investigative personnel is the primary consideration at all times. When an actual lab site is dismantled, our lab certified investigators (or DOB/BNE investigators) proceed according to DOJ guidelines and at the direction of a criminologist (chemical) either from the Orange County Crime Lab or the DOJ lab. The criminologist shall decide what samples he/she will retain. (No samples of chemicals or contaminated items are to be retained as evidence at the Brea Police Department). The lab site, all items of evidence and all samples will be photographed and inventoried. Any appropriate items will be fingerprinted. All chemicals and contaminated items not seized as evidence by the criminologist will be disposed of by a disposal service.

607.4.2 PROTOCOL

When a clandestine lab site is encountered, either with or without prior warning, the following steps should be taken:

(a) The scene should be evacuated of suspects, witnesses and officers. This should be accomplished as quickly as possible to minimize the exposure to the unknown atmosphere and unknown substances at the site. Depending on the type of lab, fatal or dangerous doses can be inhaled or absorbed through the skin from the atmosphere.
Your body will almost instantly lose its ability to smell some of the substances, hindering your ability to detect the danger. Notify the SED supervisor or the Area SED Detective assigned to that area. They will notify DOJ/BNE Orange Office (OCLRT). If the Watch Commander desires, they may contact the Supervising Special Agent at Orange DOJ/BNE OCLRT Team directly and then contact SED. Direct contact with an investigator assigned to OCLRT should not be made, as call outs are assigned on rotating basis by the BNE Supervisor. Our detectives assigned to the Orange DOJ/BNE Office may NOT be the investigators assigned to handle a lab investigation in our cities. If children are found at the lab site, implement the DEC Protocol immediately. Investigators assigned to SED will work with members of the DOJ/BNE OCLRT Team on the investigation of labs, including writing search warrants and obtaining intelligence on the location and suspects. They will coordinate this investigation with the assigned OCLRT investigator. Because of these requirements, SED needs to be notified by BREA PD of labs discovered in either of our cities.

(b) A perimeter should be set up a safe distance from the lab site. The distance must be decided by the investigators at the scene, taking into consideration the types of surroundings as well as the wind direction and strength.

(c) Brea Fire Department/Orange County Fire Department should be requested, including the Haz-Mat Unit.

(d) The Orange County Health Department will be notified of every lab site within 24 hours. Health Department Spill Cleanup Team members will respond to the scene for any lab site occurring in a public housing area (apartments or a rented residence) or any site of obvious and significant contamination. The Health Department prefers to respond to the site while investigators are still present. After normal business hours, the Health Department on-call staff can be contacted through Control One. Notification to be made by O.C.L.R.T.

(e) Smoking must be prohibited in and around the scene due to the likelihood of flammable and explosive substances being present.

(f) While clearing the scene of suspects or witnesses, do not turn light switches on or off. The spark from a light switch may ignite flammable gases. A light switch may also have been wired to activate a booby trap.

(g) The potential of possible booby traps cannot be stressed enough. The individuals involved in the illicit manufacture of controlled substances have time and time again demonstrated considerable ingenuity in developing and using these devices to protect their operations. Be mindful of potential booby traps, both sophisticated and simple. Doors can be used to activate a booby trap. (The motion of the door has been used to mix two or more chemicals, instantly creating poisonous gases.) Refrigerator doors have been used to activate booby traps as they are opened. Be aware of trip wires and be conscious of any item which movement or disturbance may activate a booby
trap. Rolled up balls of foil have been found rigged to explode. Simply unfolding the foil can cause a detonation sufficient to sever fingers or entire hands.

(h) During the initial securing and clearing of the lab scene, no apparatus or equipment should be turned on or off. Reactions which are relatively safe within certain temperature ranges can become extremely dangerous outside of those temperatures. When the time is appropriate, the chemist will dismantle the reaction and the apparatus.

Clandestine laboratories vary enormously in their degree of sophistication and complexity. Determining facts include the quantity and specific substance being produced, the apparatus being used which ranges from plastic buckets and glass jars, to a full professional laboratory setup. This specific apparatus will vary significantly for different substances. All chemical reactions use chemicals that must be considered very toxic and deadly. If, during any investigation, you encounter a situation that you have any reason to believe might be a clandestine lab site, whether operating or packaged for storage/movement, do not hesitate to contact the Special Enforcement Detail Sergeant or the lab certified investigators

607.4.3 PRECAUTIONS
The following precautions should be unquestionably observed:

(a) An Orange County Crime Lab chemist should be included in the search team.

(b) All members of the search team must be clandestine lab certified and should wear protective gear, such as safety glasses, rubber gloves, etc. All officers should refrain from drinking, eating or smoking in the laboratory. If you have been inside the laboratory, thoroughly wash your hands before eating, drinking or smoking.

(c) If you have been exposed to a clandestine laboratory, you will notify your immediate supervisor and they will instruct you as to the completion of the appropriate Injured on Duty forms, along with a medical examination.

607.4.4 EXPOSURE AND MEDICAL TREATMENT
If an employee is exposed at a clandestine lab site, medical treatment should be received at St. Joseph's Hospital, 1100 W. Stewart Drive, Orange. This is the only hospital in Orange County that has received training on how to treat and document lab exposure victims.
Warrant Service

607.1 PURPOSE AND SCOPE
This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY
It is the policy of the Brea Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 INVESTIGATIONS SUPERVISOR
The Investigations Supervisor or Watch Commander (see the Operations Planning and Deconfliction Policy) shall review all Operations Plans with the involved Case Agent to determine the risk level of the warrant service.

The Investigations Supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS
Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the Operations Plan and submit it, along with the warrant affidavit, to the appropriate Investigations supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS
If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the Operations Plan and submit it to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).
**Warrant Service**

If the warrant is classified as high risk, service will be coordinated by the Investigations Supervisor or Watch Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### 607.6 Warrant Preparation

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant’s training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### 607.7 High-Risk Warrant Service

The Investigations Supervisor or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
Warrant Service

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The Case Agent shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Investigations Supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
Warrant Service

- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Investigations Supervisor. The Supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Supervisor should ensure that members of the Brea Police Department are utilized appropriately. Any concerns regarding the requested use of Brea Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Chief of Police is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Brea Police Department jurisdiction, the Investigations Supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Brea Police Department when assisting outside agencies or serving a warrant outside Brea Police Department jurisdiction.

607.11 MEDIA ACCESS
No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

607.12 TRAINING
The Investigations Supervisor should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.
Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE
This policy provides guidelines for planning, deconfliction and execution of high-risk operations. Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS
Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY
It is the policy of the Brea Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS SUPERVISOR
The Chief of Police will designate a member of this department to be the Operations Supervisor.

The Operations Supervisor or Investigations Supervisor will evaluate and perform a risk assessment of the operations plan and coordinate operations. The operations plan should provide a process to identify high-risk operations.

The Operations Supervisor will review the operation plan with the Case Agent to determine whether a particular incident qualifies as a high-risk operation. The Supervisor will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT PREPARATION
Officers assigned as Case Agents for any operation that may qualify as a high-risk operation shall complete the Brea Police Operational Planning form.

When preparing the operations plan, the Case Agent should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the Case Agent should also submit information to these resources.
The Case Agent should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
(b) Maps of the location.
(c) Diagrams of any property and the interior of any buildings that are involved.
(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW
The Case Agent will present the risk assessment Operations Planning form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their Operations Supervisor or Investigation Supervisor.

The supervisor and Case Agent shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS
If the Operations Supervisor, after consultation with the involved Case Agent, determines that the operation is high risk, the Operations Supervisor should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
   (a) (SWAT)
   (b) Additional personnel
   (c) Outside agency assistance
   (d) Special equipment
   (e) Medical personnel
608.5 DECONFLICTION
Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The Case Agent who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The Case Agent should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN
The Operations Supervisor should ensure that a written operations plan is developed for all high-risk operations. Plans should also be completed for all other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.
(b) Operation location and people:
   (a) The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
   (b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic
and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

(c) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

(d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION
Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING
A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and
responsibilities and ask questions or seek clarification as needed. Anyone who is not present at
the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to
enhance the participants’ understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if
applicable. Participating personnel should be directed to read the search warrant and
initial a copy that is retained with the operation plan. Any items to be seized should
be identified at the briefing.

(c) The Operations Supervisor shall ensure that all participants are visually identifiable
as law enforcement officers.

(a) Exceptions may be made by the Operations Supervisor for officers who are
conducting surveillance or working under cover. However, those members
exempt from visual identification should be able to transition to a visible law
enforcement indicator at the time of enforcement actions, such as entries or
arrests, if necessary.

(d) The briefing should include details of the communications plan.

(a) It is the responsibility of the Operations Supervisor to ensure that Dispatch is
notified of the time and location of the operation, and to provide a copy of the
operation plan prior to officers arriving at the location.

(b) If the radio channel needs to be monitored by Dispatch, the dispatcher assigned
to monitor the operation should attend the briefing, if practicable, but at a
minimum should receive a copy of the operation plan.

(c) The briefing should include a communications check to ensure that all
participants are able to communicate with the available equipment on the
designated radio channel.

608.8 SWAT PARTICIPATION
If the Operations Supervisor determines that SWAT participation is appropriate, the director and
the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall
assume operational control until all persons at the scene are appropriately detained and it is safe
to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to
the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS
No advance information regarding planned operations shall be released without the approval
of the Chief of Police. Any media inquiries or press release after the fact shall be handled in
accordance with the News Media Relations Policy.

608.10 OPERATIONS DEBRIEFING
High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should
include as many participants as possible. This debrief may be separate from any SWAT debriefing.
608.11 TRAINING
The Investigations Supervisor should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.
Use of Narcotic/Vice Investigation Operating Funds

610.1 PURPOSE AND SCOPE
The Narcotic/Vice Investigation uses operating funds for undercover purchases involving illegal narcotics, stolen property and obtaining alcoholic beverage purchases in violation of Alcoholic Beverage Control laws and local ordinances. The funds are also used for minor equipment purchases. These funds are kept in a safe, which is located in a locked compartment at the office.

At the beginning of each fiscal year, the fund is allocated with funds determined by budget. As monies are spent, the fund will be replaced so the balance does not drop below $3,000. The intent in keeping the fund at a minimum of $5,000 is to provide ready access to monies necessary for a major narcotics purchase for "money flash" on short notice. The actual cash is also kept in a cash box inside the safe.

610.2 AUTHORIZATION TO SPEND FUNDS
Each investigator, prior to spending any cash from the funds, will receive authorization from the supervisor regarding the use of the funds and the amount of funds to be used.

After an investigator has received authorization to use funds for an undercover purchase or equipment purchase, they will fill out a Brea Police Department Form No. 78, which is Expenditure of Undercover Investigation Funds Report. This report will then be submitted to the supervisor for approval. If an equipment purchase was made or miscellaneous costs such as courthouse parking was used, then the investigator will attach the receipt for the purchase with the F-78 form.

After the supervisor reviews the F-78 and approves the report, it is filed in a calendar year folder, which is kept in the safe.

A Brea P.D. F-78 report form shall be filed for every expenditure from the operating funds. The investigator will then log the expenditure in the ledger book, which is also kept in the safe. The ledger book contains a running balance and explanation of each expenditure and deposit. The investigator will also file the vice control number or DR number with each expenditure that is case related.

610.3 MONTH END RE-CAP
Each month, the supervisor will complete an expenditure report with the Narcotic/Vice Investigation's month end. The expenditure report will document the date of each expenditure or deposit. It will also document a description of each expenditure and the related case number.

The expenditure report will also contain a beginning monthly balance and a closing balance. The closing balance will be reported to the Finance Department by the division commander on a summary report.
Use of Narcotic/Vice Investigation Operating Funds

610.4 ACCOUNTABILITY
Each investigator is responsible for counting the funds each time that they enter the safe and take or place any cash to or from the cash box. Each investigator is responsible to verify that the amount of cash in the box matches the balance in the ledger book. Any discrepancy will be reported immediately to the supervisor.

The supervisor will submit an expenditure report, on a monthly basis as listed above, to the division commander. The supervisor will also report all equipment and miscellaneous purchases to the division commander and receive approval for such purchases prior to the expenditure.
Victims of Crimes

612.1 PURPOSE AND SCOPE

Government Code §§ 13951, et seq., establishes a state legislative program designed to aid crime victims with the financial burdens sustained due to injury or death as a result of the underlying crime. Law enforcement has the responsibility to inform affected victims of the availability of financial aid under this program.

Persons provided for by this law include victims, or family of victims, of any crime, misdemeanor or felony, in which an economic loss or expense resulted from an injury or death. Injury may also include any emotional injury sustained as a result of a criminal threat or any of a lengthy list of sexual/emotional abuse crimes.

612.2 PROCEDURE

(a) The initial investigating officer shall determine if the victim, or victim's family in case of major injury or death, is eligible for the benefits described in this section.

(b) If eligibility is determined, the officer shall provide the victim or victim's family with a Community Service Program (CSP) "Domestic Violence Assistance Program" pamphlet. This pamphlet describes the availability of financial aid for victims discussed in this section. The delivery of this pamphlet will also satisfy our responsibility to notify victims of the program. The officer shall note in the report of the incident that he/she provided such information. The victim should be referred to CSP Victim/Witness at the North Justice Center for any questions regarding the process for obtaining aid.

(c) The investigator assigned to the case, after confirming the initial investigating officer made the necessary notification, shall note that in the Case Management area of the Records Management System (RMS).

(d) The investigator may also refer the victim or victim's family to the domestic violence victim advocate, or to the Trauma Intervention program (TIP).
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee’s intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee’s immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor’s report shall address whether reasonable care was taken to prevent the loss or damage.
Department Owned and Personal Property

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 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

701.1 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.

701.2 POLICY
The Brea 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.

701.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 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).
701.4 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 PCDs are provided as a convenience to facilitate on-duty performance only. Off-Duty use of Department-issued PCDs is authorized for those employees who agree to the terms contained in the City of Brea's Cellular Telephone Policy governing the use of City-owned PCDs and agree to a payroll deduction to participate. 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.

701.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members 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.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) 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.

(f) Use of a personally owned PCD while at work or for work-related business 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, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred
Personal Communication Devices

(continued)

to the Brea Police Department and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD
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.

(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). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video 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) Members 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 member having knowledge of such conduct shall promptly notify a supervisor.
701.7 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
   1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
   2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE
Members 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, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 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.
Vehicle Maintenance

702.1 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.

702.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 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.

702.2.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

• 20 Emergency road flares
• 2 Sticks yellow crayon or chalk
• 1 Roll Crime Scene Barricade Tape
• 1 First aid kit, CPR mask
• 1 Blanket
• 1 Blood-borne pathogen kit, Incl. protective gloves
Vehicle Maintenance

- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

702.3.2 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

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.5 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.

702.6 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.
Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY
It is the policy of the Brea Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS
The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS
The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS
The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.
704.6 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Crime Suppression Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING
Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.
Chapter 8 - Support Services
Crime Analysis

800.1 PURPOSE AND SCOPE
Crime analysis should provide currently useful information to aid operational and investigative 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 as well as assisting in known offender tracking, crime information bulletins, and researching investigative leads.

800.2 DATA SOURCES
Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Regional Partner Information Bulletins
  - Parole and Probation records
  - Computer Aided Dispatch (CAD) & Record Management Systems (RMS)
  - Law Enforcement System Resources, Open Source Resources

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.
Dispatch

801.1 PURPOSE AND SCOPE
This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY
It is the policy of the Brea Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

801.3 DISPATCH SECURITY
The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

801.4.1 DISPATCH SUPERVISOR
The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Uniform Patrol Division Commander or the authorized designee.

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

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
(b) Scheduling and maintaining dispatcher time records.
(c) Supervising, training and evaluating dispatchers.
(d) Ensuring the radio and telephone recording system is operational.
   1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
(e) Processing requests for copies of Dispatch information for release.
(f) Maintaining Dispatch database systems.
(g) Maintaining and updating Dispatch procedures manual.
Dispatch

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.

801.4.2 ADDITIONAL PROCEDURES
The Dispatch 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).

(e) Assignment of field members and safety check intervals.

(f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(h) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).

(i) Handling misdirected, silent and hang-up calls.

(j) Handling private security alarms, if applicable.

(k) Radio interoperability issues.

801.4.3 DISPATCHERS
Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.

2. Business telephone lines.

3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETs, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

801.5 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 Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.
If no authorized interpreter is available or the dispatcher is unable to identify the caller’s language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 EMERGENCY CALLS
A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department 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.

801.5.2 NON-EMERGENCY CALLS
A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

801.6 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 Dispatch 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.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Brea Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.
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.

DOCUMENTATION
It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

CONFIDENTIALITY
Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.
801.9 TRAINING AND CERTIFICATION
Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).
Property and Evidence

802.1 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.

802.2 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.

802.3 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 release of such property must be documented in the appropriate report.

802.3.1 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 entry in the CAD Record Management System (RMS).
(b) Mark each item of evidence with the booking employee’s initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
(d) Place the case number in the upper right hand corner of the bag.
Property and Evidence

(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, Property and Evidence staff shall be notified.

802.3.2 NARCOTICS AND DANGEROUS DRUGS
All narcotics and dangerous drugs shall be booked separately. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

802.3.3 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 (e.g. road flares or similar signaling devices) may be collected. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.3.4 EXCEPTIONAL HANDLING
Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician, or placed in the bicycle storage area until an Evidence Technician can log the property.

(c) All cash shall be counted by two parties and the envelope initialed by both parties.

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.

802.3.5 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 180 days, after which time they may be destroyed, retained, or transferred unless (Penal Code § 29810):
Property and Evidence

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

802.4 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) Paraphernalia as described in Health and Safety Code § 11364

(d) Fireworks

(e) Contraband

802.4.1 PACKAGING CONTAINER
Employees shall package all property 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.

802.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and secured.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container.

802.5 RECORDING OF PROPERTY
The Evidence Technician receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored in the RMS.
A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag.

Any changes in the location of property held by the Brea Police Department shall be noted in the RMS.

802.6 PROPERTY CONTROL
Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information into the RMS. Officers desiring property for court shall contact the Evidence Technician at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry into the RMS shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property and make the appropriate documentation in the RMS.

The Evidence Technician releasing the evidence must complete the required evidence control sheet.

802.6.3 STATUS OF PROPERTY
Temporary release of property to officers for investigative purposes, or for court, shall be noted in the RMS, stating the date, time and to whom released.

The Evidence Technician shall document the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the RMS, indicating date, time, and the person who returned the property.

802.6.4 AUTHORITY TO RELEASE PROPERTY
The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.6.5 RELEASE OF PROPERTY
All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the
property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.6.6 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)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
Property and Evidence staff 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.
802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS
Upon the expiration of a restraining order issued in a domestic violence matter that required
the relinquishment of a firearm, the evidence technician shall under no circumstances return
any firearm to any individual unless and until such person presents valid identification and valid
notification from the California Department of Justice that conforms to the provisions of Penal
Code 33865. The requirements of Penal Code section 33850 and Penal Code section 33855 must
also be met unless the firearm is determined to be stolen, evidence in a criminal investigation or
the individual is otherwise prohibited from possessing a firearm (Family Code Section 6389 (g);
Penal Code section 33855).

802.6.9 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 Brea 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.

802.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS
Firearms and other deadly weapons confiscated from an individual detained for an evaluation by
a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100
or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been
initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon
shall be released or disposed of as provided by an order of the court. If the court
orders a firearm returned, the firearm shall not be returned unless and until the person
presents valid identification and written notification from the California Department of
Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c)
and the firearm or weapon is not retained as evidence, the Department shall make
the firearm or weapon available for return. No firearm will be returned unless and until
the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION
The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

802.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, may be dispositioned by the Evidence Technician after a period of 60 days if held as Safekeeping and after 90 days if held as Found Property in compliance with existing laws.

802.7.1 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)

802.7.2 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.

802.7.3 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:

(a) The defendant
(b) The defendant’s attorney
(c) The appropriate prosecutor and Attorney General
(d) Any sexual assault victim
(e) The Investigative Services 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 Investigative Services Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Detective Supervisor 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 Investigative Services 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).
802.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) The Supervisor of the Evidence Technician should conduct random inspections of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Evidence storage areas should be inspected by the Supervisor of the Evidence Technician annually.

(c) Whenever a change is made in Evidence Technician personnel, all access devices and keys to evidence storage areas shall be properly accounted for and electronic passcodes reset to ensure chain of evidence.
Records Bureau

803.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the Brea Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

803.2 POLICY
It is the policy of the Brea Police Department to maintain department records securely, professionally, and efficiently.

803.3 RESPONSIBILITIES

803.3.1 RECORDS SUPERVISOR
The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Investigations Division Commander or the authorized designee.

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

(a) Overseeing the efficient and effective operation of the Records Bureau.
(b) Scheduling and maintaining Records Bureau time records.
(c) Supervising, training, and evaluating Records Bureau staff.
(d) Maintaining and updating a Records Bureau procedure manual.
(e) Ensuring compliance with established policies and procedures.
(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

   (a) Homicides.
   (b) Cases involving department members or public officials.
   (c) Any case where restricted access is prudent.

803.3.2 RECORDS BUREAU
The responsibilities of the Records Bureau include but are not limited to:

(a) Maintaining a records management system for case reports.
   1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
(b) Entering case report information into the records management system.
1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).

2. Suspected hate crimes (Penal Code § 13023).

3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).

4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).

5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.

   (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member’s supervisor.

(g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).

(i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

(j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

803.3.3 RECORDS BUREAU PROCEDURE MANUAL
The Records Supervisor should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records.
(e) Managing a warrant and wanted persons file.

803.4 FILE ACCESS AND SECURITY
The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.5 ORIGINAL CASE REPORTS
Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

803.6 CONFIDENTIALITY
Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

803.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING
The Uniform Patrol 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.
Restoration of Firearm Serial Numbers

804.1 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.

804.2 PROCEDURE
Any firearm coming into the possession of the Brea Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 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.

804.2.2 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.
**804.2.3 OFFICER RESPONSIBILITY**
The Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

**804.2.4 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.

**804.2.5 FIREARM TRACE**
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the 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.

**804.3 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

805.1 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.

805.2 POLICY
The Brea 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.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES
The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records (or their designee) include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the Department must keep records.
   2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 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.
805.4 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.

805.4.1 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 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.

805.5 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.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
   1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (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).
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(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).

805.6 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.

805.7 RELEASED RECORDS TO BE MARKED
Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

805.8 SEALED RECORD ORDERS
Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police
investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

805.8.1 SEALED JUVENILE ARREST RECORDS
Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

805.9 SECURITY BREACHES
The Records Supervisor, and/or the City’s Information Technology Department, shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual’s first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

805.9.1 FORM OF NOTICE
(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
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1. The date of the notice.
2. Name and contact information for the Brea Police Department.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Brea Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

2. When the breach involves an email address that was furnished by the Brea Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

805.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
(a) Email notice when the Department has an email address for the subject person.

(b) Conspicuous posting of the notice on the department’s webpage for a minimum of 30 days.

4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

805.10 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)).

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 Professional Standards 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.

805.10.1 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)).

805.10.2 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)):
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(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.

805.10.3 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 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)).

805.10.4 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)).
Protected Information

806.1 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 Brea 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.

806.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Brea Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY
Members of the Brea Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 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.
806.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Brea Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 PENALTIES FOR MISUSE OF RECORDS
It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

806.5 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 Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

806.5.2 TRANSMISSION GUIDELINES
Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.
In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual’s combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 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).

806.7 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.

806.7.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.8 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.
Animal Control

808.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

808.2 POLICY
It is the policy of the Brea Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

808.3 ORANGE COUNTY ANIMAL CONTROL RESPONSIBILITIES
Animal control services are generally the primary responsibility of Orange County Animal Control and include:

(a) Animal-related matters during periods when Orange County Animal Control is available.
(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Orange County Animal Control is available for investigation and resolution.
(c) Follow-up on animal-related calls, such as locating owners of injured animals.

808.4 MEMBER RESPONSIBILITIES
Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.
(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
(c) An animal is creating a traffic hazard.
(d) An animal is seriously injured.
(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
Animal Control

2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

808.5 ANIMAL CRUELTY COMPLAINTS
Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.6 ANIMAL BITE REPORTS
Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

808.7 STRAY DOGS
If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

808.8 DANGEROUS ANIMALS
In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

808.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

808.10 DECEASED ANIMALS
When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.
When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

808.11 INJURED ANIMALS
When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

808.11.1 VETERINARY CARE
The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Orange County Animal Control is not available, the information will be forwarded for follow-up.

808.11.2 INJURED WILDLIFE
Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

808.11.3 RESCUE OF ANIMALS IN VEHICLES
If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.
808.11 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.
Jeanne Clery Campus Security Act

809.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

809.2 POLICY
The Brea Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Brea Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Brea Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Brea Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

809.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT
The Chief of Police will:

(a) Ensure that the Brea Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
   (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).

2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
Jeanne Clery Campus Security Act

3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the Brea Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

5. Notify the Brea Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

809.3.1 ADDITIONAL REQUIREMENTS
The Chief of Police or the authorized designee will also (Education Code § 67386):

(a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:

1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.

2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.
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(b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.

(c) Assist, as appropriate, in the development of the institution’s comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

(d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Brea Police Department or the institution (Education Code § 67380).

1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the Brea Police Department is necessary to contact or detain the assailant (Education Code § 67380).

2. If the institution discloses the identity of the alleged assailant to the Brea Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

809.4 RECORDS COLLECTION AND RETENTION
The Records Supervisor is responsible for maintaining Brea Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
Jeanne Clery Campus Security Act

9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

1. The statistics shall be compiled using the definitions in the FBI’s UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):

(a) On campus.

(b) In or on a non-campus building or property.

(c) On public property.

(d) In dormitories or other on-campus, residential or student facilities.

(c) Statistics will be included by the calendar year in which the crime was reported to the Brea Police Department (34 CFR 668.46(c)(3)).

(d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

809.4.1 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Supervisor is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

(a) All occurrences reported to the Brea Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(b) All occurrences of noncriminal acts of hate violence reported to the Brea Police Department for which a written report is prepared.
809.4.2 CRIME LOG
The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Brea Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

809.5 INFORMATION DISSEMINATION
It is the responsibility of the Professional Standards Lieutenant to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
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3. Policies concerning security of and access to campus facilities.

4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.

5. Enforcement policies related to alcohol and illegal drugs.

6. Locations where the campus community can obtain information about registered sex offenders.


8. Missing student notification procedures.

9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.
Chapter 9 - Custody
Temporary 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 Brea 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 Brea Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY
The Brea 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.

900.3 GENERAL CRITERIA AND SUPERVISION
No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY
Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Brea Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.

(c) Any individual who is seriously injured.
Temporary Custody of Adults

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(j) Any individual who is obviously developmentally disabled (15 CCR 1057).

(k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

(l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY
An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).
Temporary Custody of Adults

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN
The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.4 ENTRY RESTRICTIONS
Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.
(b) Emergency medical personnel when necessary.
(c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY
The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual’s arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.
Temporary Custody of Adults

900.4.1 SCREENING AND PLACEMENT
The officer responsible for an individual in custody shall (15 CCR 1050):

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
   1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
   2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
      (a) Continuous, direct sight and sound supervision.
      (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
   3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
   4. Ensure males and females are separated by sight and sound when in cells.
   5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION
Consular notification may be mandatory when certain foreign nationals are arrested. The Uniform Patrol Division Commander will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
   1. This notification should be documented.
(b) Determine whether the foreign national’s country is on the U.S. Department of State’s mandatory notification list.

1. If the country is on the mandatory notification list, then:
   (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
   (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
   (c) Forward any communication from the individual to his/her consular officers without delay.
   (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual’s file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
   (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
   (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS
Any time an individual is in temporary custody at the Brea 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 Brea 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.
900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

   1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

   2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

   1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Brea Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk
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to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS
Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual’s desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.5.6 RELIGIOUS ACCOMMODATION
Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety.
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The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES
Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM
In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN
(a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
(b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
(c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
(d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
(e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE
 Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the
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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).

900.6 USE OF RESTRAINT DEVICES
Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Brea Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 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.

900.8 HOLDING CELLS
A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:
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(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual’s initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).
   1. Safety checks should be at varying times.
   2. All safety checks shall be logged.
   3. The safety check should involve questioning the individual as to his/her well-being.
   4. Individuals who are sleeping or apparently sleeping should be awakened.
   5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY
The Uniform Patrol 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 Brea 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 Investigative Services 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 Coroner

(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)

900.10 RELEASE AND/OR TRANSFER
When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.
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(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Brea Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS
Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR
The Uniform Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

(a) General security
(b) Key control
(c) Sanitation and maintenance
(d) Emergency medical treatment (15 CCR 1200)
(e) Escapes
(f) Evacuation plans
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(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
(h) Disaster plans
(i) Building and safety code compliance
(j) Civil and other disturbances including hostage situations
(k) Periodic testing of emergency equipment
(l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
(m) Inspections and operations reviews
(n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.12 TRAINING
Department members should be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

(a) Applicable minimum jail standards
(b) Jail operations liability
(c) Inmate segregation
(d) Emergency procedures and planning, fire safety, and life safety.
(e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Coordinator shall maintain records of all such training in the member’s training file.
Custodial Searches

901.1 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 Brea 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.

901.1.1 DEFINITIONS
Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 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.

901.3 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.
Custodial Searches

901.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Brea 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.

901.4.1 PROPERTY
Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Brea Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY
All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES
No individual in temporary custody at any Brea Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:
(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES
Strip searches at Brea Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

3. The written authorization for the search, obtained from the Watch Commander.
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4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.
901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.
901.7 BODY SCANNER SEARCH
If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

901.8 TRAINING
The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
Restraining Chair

902.1 RESTRAINING CHAIR INTRODUCTION
The purpose of the Pro Straint Chair (restraining chair) is to provide police personnel with the safest and most humane system for restraining uncooperative prisoners whom are either passively or actively resisting to provide a DNA sample or a blood sample pursuant to California Penal Code Section 298.1, California Vehicle Code Section 23612, a lawfully obtained search warrant, or supervised post incarceration release; where a passively or actively resisting prisoner may jeopardize the safety of the prisoner, police personnel, medical personnel, and/or interfere with departmental operations.

902.2 AUTHORIZATION
The Watch Commander shall be notified of the prisoner's refusal to provide a DNA sample or a blood sample. After the prisoner has been given sufficient opportunities to comply voluntarily, the Watch Commander will evaluate the circumstances and may authorize the placement of the prisoner into the Pro Straint Chair for the purpose of safely obtaining a DNA sample or blood sample. The Watch Commander or designee shall be present when the prisoner is placed into the Pro Straint Chair and supervise the prisoner while he/she is seated in the Pro Straint Chair.

902.3 CONDITIONS FOR USE
The Pro Straint Chair may be used when the following conditions exist:

(a) The prisoner is in custody for a felony crime and has refused to provide a DNA sample pursuant to California Penal Code Section 298.1

(b) The prisoner is in custody for California Vehicle Code Section 23140, 23152(a), 23152(b), 23153(a), 23153(b), or California Health and Safety Code Section 11550(a) and has refused to provide a blood sample pursuant to the following:

1. California Penal Code Section 298.1, California Vehicle Code Section 23612, a lawfully obtained search warrant, or supervised post incarceration release.

2. The prisoner is in custody for any other crime and has refused to provide a DNA sample or a blood sample pursuant to California Penal Code Section 298.1, a lawfully obtained search warrant, supervised post incarceration release.

3. The prisoner has also been given sufficient opportunities to comply voluntarily.

902.4 USE OF THE PRO STRAINT CHAIR
Once the Watch Commander has authorized the placement of the prisoner into the Pro Straint Chair: The Pro Straint Chair shall be used in the Booking area. The Watch Commander or his designee shall be present when the prisoner is placed into the Pro Straint Chair and supervise the prisoner while he is seated in the Pro Straint Chair. Only Supervisors and Officers properly trained
shall supervise the use of the Pro Straint Chair. Once the DNA sample or blood sample has been obtained, the prisoner should be removed from the Pro Straint Chair as soon as practical.

902.5 PROHIBITIONS
The Pro Straint Chair should not be used under the following conditions:

(a) The Pro Straint Chair shall not be used on prisoners who are in need of medical attention.
(b) The Pro Straint Chair shall not be used on prisoners who are pregnant.
(c) the Pro Straint Chair shall not be used on prisoners who are under the age of 18.
(d) Prisoners shall not be restrained in the Pro Straint Chair for any longer than is practical to safely obtain a DNA sample or blood sample.
(e) The Pro Straint Chair shall not be used as a form of discipline or substitute for medical or psychological treatment.

902.6 REPORTING
Whenever the Pro Straint Chair is used the appropriate documentation shall be included in the Officer’s report:

(a) Report number
(b) Name of the arresting Officer
(c) Name of the prisoner
(d) Booking charges
(e) Reason for the use of the Pro Straint Chair
(f) Name of the Watch Commander authorizing the use of the Pro Straint Chair
(g) Date and Time the prisoner was placed into the Pro Straint Chair
(h) Date and Time the prisoner was removed from the Pro Straint Chair
(i) Summary of the use of the Pro Straint Chair

902.7 WATCH COMMANDER REPORTING
Whenever the Pro Straint Chair is used, the Watch Commander shall: Notify the Uniform Division Commander as soon as practical. If necessary based on the force used to seat the prisoner, the Watch Commander should ensure a Use of Force Report is completed.

902.8 CONCLUSION
Nothing in this section prevents the use of the Pro Straint Chair as an urgent safety measure or upon the approval of the Watch Commander.
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 Brea Police Department and that are promulgated and maintained by the Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Brea 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 Uniform 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) Employee referral and recruitment incentive programs.
(f) Consideration of shared or collaborative regional testing processes.

The Uniform 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.
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)
(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 Brea Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).
Recruitment and Selection

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 Brea 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 Uniform Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Uniform 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 Uniform 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 not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation 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 two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

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; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions
Recruitment and Selection

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

(c) At least 18 years of age

(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)

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)

1000.8 PROBATIONARY PERIODS
The Uniform Division Commander should coordinate with the City of Brea Human Resources 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.
Evaluation of Employees

1001.1 PURPOSE AND SCOPE
The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY
The Brea Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS
Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.
Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.4 FULL TIME PROBATIONARY PERSONNEL
Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee’s immediate supervisor on the anniversary of the employee’s date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee’s date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Exceptional - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Meets Expectations - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.
Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee’s strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked Needs Improvement or Exceptional shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW
When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.6.1 DISCRIMINATORY HARASSMENT FORM
At the time of each employee’s annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.
(b) That the employee understands the Electronic Mail Policy.
(c) That the employee knows how and where to report harassment policy violations.
(d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.
(e) That the employee knows the Technology Use Policy.
(f) That the employee knows the Mobile Digital Use Policy
(g) That the employee knows the Recording Citizen Contact Policy.
(h) That the employee knows the Employee Speech and Social Networking Policy.
(i) The employee knows the city employment rules, city rules and regulations, and department manuals are available on the city intranet, Department Shared Drive, and in the Watch Commander and Sergeant's Offices.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee’s completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.
Evaluation of Employees

1001.7 EVALUATION REVIEW
After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1001.8 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's electronic Police Administration personnel file for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Human Resources.
Promotional and Transfer Policy

1002.1 PURPOSE AND SCOPE
The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Brea Police Department.

1002.1.1 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.

1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS
The following positions are considered transfers and are not considered promotions:

(a) SWAT Team member
(b) Detective
(c) Motor Officer
(d) Field Training Officer
(e) School Resource Officer
(f) Task Force Assignments
(g) Corporal
(h) K-9 Handler
(i) Retail Crime Unit Officer
(j) Regional Computer Forensics Laboratory Detective (RCFL)
Promotional and Transfer Policy

1002.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Two years as Brea Police Officer (One year for School Resource Officer)
(b) Has shown an expressed interest in the position applied for
(c) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
(d) Complete any training required by POST or law

1002.3 SELECTION PROCESS
The following criteria apply to transfers.

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Commander 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 or for training.

1002.4 PROMOTIONAL SPECIFICATIONS
Specifications for promotional opportunities are on file with the Brea Personnel Services.

1002.5 ASSIGNMENT ROTATION POLICY
SPECIAL ASSIGNMENT ROTATION POLICY

This policy has been established to create more career growth opportunities within the Brea Police Department. The department is committed to encouraging personal and career development by exposing qualified members to a variety of special assignments. Employees of any rank must maintain an acceptable performance level to remain in the detail for the full term of the assignment.

The Chief of Police reserves the right to deviate from any of the guidelines listed below when he/she determines it is in the best interest of the organization.
Promotional and Transfer Policy

On occasion, special circumstances may necessitate an extension beyond the maximums listed below. Examples where the Chief may need to exercise the above mentioned discretion include:

- The Department may request an employee to stay in an assignment because it would be detrimental to the good order of the Department to reassign the employee.
- Indications are there are no other employees interested and/or qualified in the particular assignment, and it would be in the best interest of the Department’s operation for the employee to remain in the position.
- The employee may be in the middle of a critical case or special assignment and a change might jeopardize the case or assignment.
- Other special, unforeseen or unusual circumstances.

All assignments listed below have a two year minimum (RCFL has 4 year minimum) commitment to qualify for “return to patrol” pay. The department recognizes the rare circumstance when a member may be removed from a special assignment for unusual or unforeseen reasons other than performance. An example of this type of unusual circumstance would be the need to reduce special assignment positions for budgetary reasons. If the removed member has not fulfilled the two year minimum time requirement to earn return to patrol pay, but otherwise has shown successful performance, the Chief of Police has the ability to exercise his/her discretion and grant return to patrol pay.

It is permissible to transfer from one special assignment to another special assignment without mandatory time back in patrol. It should be understood that when a special assignment time period is up, the employee will return to patrol unless that employee is assigned to a new special assignment.

Qualification for Special Assignment:

All officers (sworn) must have a minimum of two (2) years in Patrol with the Brea Police Department, regardless of prior experience, in order to be considered for a Special Assignment.

Regional Computer Forensics Laboratory Detective (RCFL)

- Due to extensive training needed, minimum time in unit is 4 years (may not come out early to promote or change assignments)
Promotional and Transfer Policy

- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 6 years

Detective:

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years
- If a current detective transfers into a specialist detective position at any time, they will be eligible to request a one additional year extension for a maximum total of 6 years
- All detective positions, both on and off site, are subject to the above limits
- Specialist detective positions include any crimes persons caseload, economic crimes, off-site positions (currently OCATT and PACNET), and narcotics

Traffic:

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years
- If a traffic officer transfers into the traffic corporal position or commercial enforcement position, they will be eligible to request a one additional year extension for a maximum total of 6 years

Downtown:

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years

School Resource Officer (SRO):
Promotional and Transfer Policy

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years

Crime Suppression Unit (CSU):

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years

K-9:

- Working life of the dog / 4 year minimum
- If the dog suffers medical retirement or death prior to the 4th year, the handler has an option to receive a second K9 for the working life of that dog.

Patrol Corporal:

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years

Investigations PSO:

- 3 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 5 years
Promotional and Transfer Policy

Sergeant - Assignment:

- 2 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 4 years

Lieutenant - Assignment:

- 2 years
- Additional one year extensions may be granted, based on performance and department need, up to a maximum of 4 years
Advancement Policy

1003.1 PURPOSE AND SCOPE
The City Personnel Department shall endeavor to design selection processes for various positions so as to provide the most effective method possible of measuring the qualifications of a candidate for promotional appointment. The following guidelines for both process and selection criteria will allow each employee maximum opportunity to prepare for advancement opportunities.

1003.2 APPLICATION FOR PROMOTION
The opportunity for promotion will be announced by the City and pursuant to Rule II, Section I of the City's Personnel Rules and Regulations, applications will be requested. At the time of the opening, the application process will be defined clearly.

The City's Personnel Rules and Regulations state: If a sufficient number of qualified in house candidates exist, the selection process will likely be held on a closed promotional basis; however, where the applicants are few in number, the City may, in order to fairly ascertain the qualifications of applicants, open the selection process in a competitive manner to allow outside candidates to compete.

Obviously, in cases where the City elects to hold an open promotional process, it may waive certain minimum requirements defined in this policy.

1003.2.1 APPLICATION REVIEW
The first step in the process will be application review. Applications will be screened to see if the applicant possesses the minimum qualifications for the position. Minimum qualifications for advancement will generally be defined in terms of experience and education.

- Experience: Experience will generally be defined as experience as a police officer, experience as a Brea Police Officer, and experience at a particular rank of assignment. Exceptions may be made, based upon extenuating circumstances, considering such factors as an extended period of time in an acting capacity in a promotional position. That acting or provisional status could be credited toward the stipulated minimum requirement. The Chief of Police will rule on any exceptions applied for or requested.

- Education: The department recognizes the need for continuing education and therefore establishes minimum educational requirements for advancement opportunities.

In order to achieve equitable flexibility in terms of establishing minimum requirements, experience as a sworn officer may be substituted as the equivalent of formal education at the rate of 3 years experience equals 1 year of formal education (30 semester units = 1 year formal education).

1003.2.2 ADMISSION TO ADVANCEMENT PROCESS
The establishment of minimum qualifications for possible acceptance to a selection process does not necessarily mean that a particular individual with minimum experience and education would
necessarily be accepted. The competitive nature of a promotional selection process would indicate that the more highly experienced and educated individual is in a much better position to compete for an advanced position. In fact, when there are many individuals who exceed the minimum requirements, it is not unusual to have a higher actual requirement for admission to the selection process. The one major aspect of the City’s recruitment and selection policy has always been to review an applicant’s education and experience on a competitive basis with particular emphasis on the breadth and quality of experience and the successful attainment of advance educational objectives, including Bachelor of Arts degrees and Masters degrees or equivalent.

The promotional qualifications criteria speaks in terms of minimum requirements for admission to a selection process for a particular position. This has been devised in such a manner as to indicate to all individuals within the Department who may be considering promotion, what the Department feels is the minimum amount of experience and education required to effectively compete for an advanced position.

The criteria will be reevaluated on an annual basis in order to assure that it is kept within the legal requirements for promotional opportunities.

1003.2.3 ELIGIBILITY SUMMARY
Three promotional levels currently exist within the department; Sergeant, Lieutenant, and Captain. Minimum promotional requirements for these positions are:

(a) Sergeant:
   1. Experience as a Peace Officer 4 years
   2. Experience with Brea Police Dept. 2 years
   3. Educational achievement B.A. Degree

In order to achieve equitable flexibility in terms of establishing minimum requirements for the position of Sergeant, experience as a sworn officer may be substituted as the equivalent of formal education at the rate of 3 years experience equals 1 year of formal education (30 semester units = 1 year formal education).

(a) Lieutenant:
   (a) Experience as a Peace Officer 5 years
   (b) Experience as a Brea Police Sergeant 1 year (completion of probation)
   (c) Educational achievement B.A. Degree

(b) Captain:
   (a) Experience as a Peace Officer 6 years
   (b) Experience as a Brea Police Lieutenant 1 year (completion of probation)
   (c) Educational achievement B.A. Degree
1003.3 SELECTION PROCESS

1003.3.1 WRITTEN EXAMINATION
Written examination may be utilized to test applicants’ abilities and knowledge. Both standardized examinations and essay types may be used.

1003.3.2 ORAL EXAMINATION
The City has utilized interview panels, assessment centers and scenarios, as well as a one-on-one chief’s oral examination as screening tools. Again, candidates will be evaluated on job knowledge, skills and abilities identified by the appointing authority.

1003.3.3 PEER EVALUATION
The City may utilize an evaluation by peers to assist in selection. In such cases, the appointing authority may select certain departmental personnel to evaluate each candidate on a number of dimensions, ranking each candidate with the others.

1003.3.4 ELIGIBILITY LIST AND APPOINTMENT
Based upon the performance of the candidates in the selection process, an eligibility list will be prepared for advancement opportunities within the department.

1003.3.5 SUBJECTIVE SELECTION CRITERIA
It is the responsibility of the appointing authority to weigh performance on the selection process with standard performance evaluations and other subjective criteria and dimensions. It behooves every member of the department to become familiar with these traits below and to incorporate them into their daily performance so they are readily discernible as opportunities for advancement occur.

(a) Faithful to the Police Department’s Core Values: Members of the Police Department developed our Core Values in 2002. Promotion candidates must be aware of and set the example by remaining true to those Core Values of:

1. **INTEGRITY:** Adherence to moral and ethical behavior in our personal and professional lives in a manner that brings honor to ourselves, our families and our profession.

2. **GOLDEN RULE:** Treat others, as we would like to be treated. We will strive to treat everyone with respect, dignity and fairness at all times.

3. **LOYALTY:** Faithfully dedicated to our values, family, profession and community.

(b) Effective Human Relations: Success in the organization will not be at the expense of fellow employees. Human relations skills must display evidence of sensitivity to the feelings and needs of co workers and members of the public who are contacted on a routine basis. The paramount tenet here is that the organization’s finest resource is the people who comprise the organization. People are to be treated fairly and with dignity and respect.
(c) Ability to Develop Subordinate Personnel: Since our personnel are our greatest asset organizationally, it is mandatory that those individuals who aspire to advance in the department exhibit the ability to develop subordinates or, in the case of non-supervisors, those employees who may be junior within the organization. Many individuals possess extraordinary skills and interest in specific areas or, at least the potential to develop these skills to a higher degree of proficiency. These individuals must be recognized and given the opportunity to grow in those areas that will benefit the individual ultimately, as well as the department or City. Along with the opportunity to develop the employee, the successful individual will provide support and guidance to assist the subordinate or junior officer in his/her own career enhancement.

(d) Active Participation: The Police Department utilizes the Collaborative Model of Leadership at all levels. The Department depends upon knowledgeable individuals to provide information and assistance to the decision making elements within the department. In this regard, passive attitudes do not serve in the best interest of the department or the employee seeking to advance within the organization. Active participation in communicating ideas, concepts, perceptions, etc., that should be considered prior to making decisions that affect our department is a necessary ingredient for success. The role of the "passive bystander" is not a quality that the future management of the department will possess. Those who seek to advance will bring forth those productive ideas, through proper lines of communication, so that the entire department might benefit.

(e) Past Performance: Employees who are to be considered for advancement in the department will have displayed consistent exemplary performance in their respective job assignments. Improvement of noted performance deficiencies, if any, must by consistent and lasting.

(f) Flexibility and Adaptability: The ability to be receptive to changes that are uncomfortable and adapt to those changing conditions is a quality that must be present before an employee can advance in the organization. One must be willing to listen to divergent ideas and opinions and make the most of adverse circumstances caused by implementation of change. Flexibility and adaptability is that valuable ability to function with a minimum of disruption and take full advantage of the ideas and concepts that arise as adjustments are made to changes in our environment.

(g) Sensitivity and Awareness of Our Work Environment: It is the absolute responsibility of each aspiring employee to acquire the knowledge necessary to appreciate the various exclusive characteristics of the City of Brea its history, organization, political components, and citizenry. Once this knowledge is acquired, it is expected that a degree of sensitivity be ever present in dealing with these various elements that comprise our total community.

(h) Team Concept: The Police Department consists of nearly 200 individuals who are collectively assembled to provide service to the City. No single individual is responsible
for the effectiveness or ineffectiveness in achieving our law enforcement mission. The successful employee who will advance in the department is cognizant of his/her role in the overall team effort and does not accept credit for, nor expect to be singled out as being solely responsible for any positive or negative aspect of this department. This does not relieve supervisors and managers of their accountability for functions within the department, but merely reinforces their roles as team members. Each member of the department has a responsibility to think in terms of department goals and department strengths and weaknesses and strive to meet those goals, amplify those strengths and improve those weaknesses.

(i) Potential: Each employee must develop his/her potential to the best of his/her ability and display the self initiative to pursue those requirements, both personal and departmental, that will uncup that potential. The successful employee will strive to realize and achieve his/her potential and make full use of all resources available to assist in this task.

(j) Technical Competence: Those individuals seeking to enhance their careers must display a high level of technical competence in their job assignment and make a concerted effort to develop that level of competence through any available means. These means are not limited to the resources within the Brea Police Department. Technical competence may be improved by outside classes taken at the initiative of the employee to develop specific job skills. Assistance should be sought from individuals who are knowledgeable in a particular technical area to take full advantage of their expertise as well.

(k) Effective Use of Resources: It is mandatory that aspiring members of the department learn to make effective use of resources available to the department. These resources include people, equipment and money. The degree to which the employee is innovative and imaginative in the use of these resources, especially in a time of adverse economic conditions, serves as an indication of the overall resourcefulness of the employee. This resourcefulness is a quality that must be present to advance within the agency or enhance one's career.

(l) Education: The minimum educational requirements for advancement into the various ranks have been established. The employee seeking to attain these ranks will be required to meet those minimum education requirements without exception.

(m) Loyalty: Loyalty is a quality that can in no way be substituted. It is expected that loyalty will be displayed at all times to:

1. The City of Brea, city management and their governing bodies of elected officials.
2. The Chief of Police as chief executive officer of the agency.
3. The Brea Police Department as a complete entity.
Advancement Policy

4. The Division or unit to which an employee is assigned.
5. Fellow workers superiors and subordinates.
Grievance Procedure

1003.1 PURPOSE AND SCOPE
It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department’s philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED
A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1003.2 PROCEDURE
Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:
Grievance Procedure

(a) The basis for the grievance (i.e., what are the facts of the case?).

(b) Allegation of the specific wrongful act and the harm done.

(c) The specific policies, rules or regulations that were violated.

(d) What remedy or goal is being sought by this grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1003.3 EMPLOYEE REPRESENTATION
Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS
At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager’s office to monitor the grievance process.

1003.5 GRIEVANCE AUDITS
The Office of Professional Standards shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Office of Professional Standards shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Office of Professional Standards should promptly notify the Chief of Police.
Anti-Retaliation

1004.1 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.

1004.2 POLICY
The Brea 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.

1004.3 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.
1004.4 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 Director of Human Resources.

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.

1004.5 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
(h) Not interfering with or denying the right of a member to make any complaint.
(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.
1004.6 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.

1004.7 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 Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

1004.7.1 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).
Anti-Retaliation

1004.8 RECORDS RETENTION AND RELEASE
The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.
Reporting of Employee Convictions

1005.1 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 Professional Standards Lieutenant of any past and current criminal convictions.

1005.2 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.

1005.3 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 contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

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.

1005.4 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
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.

1005.5 PROCEDURE FOR RELIEF
Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department 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.

1005.5.1 NOTIFICATION REQUIREMENTS
The Professional Standards Lieutenant 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 Professional Standards Lieutenant 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

1006.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1006.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1006.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1006.3.2 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.

1006.4 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.
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).

1006.5 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, 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.

1006.6 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.

1006.7 REQUESTING SCREENING TESTS
The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITY
The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.
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(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee’s other personnel files.
Sick Leave

1007.1 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).

1007.2 POLICY
It is the policy of the Brea Police Department to provide eligible employees with a sick leave benefit.

1007.3 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.

1007.3.1 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.

1007.4 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.

1007.5 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 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.

1007.6 REQUIRED NOTICES
The Director of Human Resources 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.
Communicable Diseases

1008.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS
Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Brea Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY
The Brea Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER
The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.
(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.
(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
(e) Compliance with all relevant laws or regulations related to communicable diseases, including:
   1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
   2. Bloodborne pathogen mandates including (8 CCR 5193):
Communicable Diseases

(a) Sharps injury log.
(b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
Communicable Diseases

(e) Using an appropriate barrier device when providing CPR.
(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
   1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:
   (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
   (b) Obtain medical attention as appropriate.
   (c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):
   (a) Name and Social Security number of the member exposed
   (b) Date and time of the incident
   (c) Location of the incident
   (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
   (e) Work being done during exposure
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(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.
(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status
of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing. The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’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.

1008.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.
Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE
This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Brea Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY
The Brea Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1009.3 SMOKING AND TOBACCO USE
Smoking and tobacco use by members is prohibited anytime members are in public view representing the Brea Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS
No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1009.4.1 NOTICE
The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).
Personnel Complaints

1010.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Brea Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY
The Brea Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS
Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 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).

1010.3.2 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly 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.

1010.3.3 SOURCE OF COMPLAINTS
Complaints may originate from the following sources:
Personnel Complaints

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1010.3.4 ACCEPTANCE OF COMPLAINTS
A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action

(b) When an uninvolved supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a formal complaint need not be taken

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Citizen Complaint form

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

1010.3.5 DOCUMENTATION
Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1010.4 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1010.4.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member’s immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.
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 formal complaint, a complaint form is completed.
   (a) The original complaint form will be directed to the Professional Standards Unit, who will take appropriate action and/or determine who will have responsibility for the investigation.
   (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 shall orally report the matter to the Professional Standards Unit or the member’s Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   (a) Follow-up contact with the complainant should be made as soon as practicable after receiving the complaint.
   (b) If the matter is resolved and no further action is required, the supervisor will notify the Professional Standards Unit.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Professional Standards Unit and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources and the Professional Standards Unit for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Professional Standards Unit, who will determine whether to contact the complainant or assign the complaint for investigation.

(g)

(h) Investigating a complaint as follows:
   (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
   (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
   (c) Document and collect relevant evidence.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.
1010.4.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Brea Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member’s personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Lybarger advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
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 (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

1010.4.3 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.5 DISPOSITION OF PERSONNEL COMPLAINTS
Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.5.1 NOTIFICATION OF DISPOSITION
The department shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition (Penal Code § 832.7(e)(1)).

1010.6 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. Any employee placed on administrative leave:
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(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.

1010.7 RETENTION OF IA RECORDS

Investigative reports, writings, and files of every citizen and internal complaint shall be retained by the Brea Police Department for a period of five (5) years and six months after a disposition has been rendered. These records shall be maintained by the Professional Standards Unit and shall remain confidential.

Penal Code § 832.5(b) governs the destruction of Internal Affairs records that pertain to complaints against peace officers. Penal Code § 832.5(b) states that all complaints, reports or findings relating thereto shall be retained for a period of at least five years. Citizen complaints, whether sustained, not sustained, exonerated or unfounded are subject to discovery through Evidence Code § 1043 and must be retained in compliance with Penal Code § 832.5(b) (see Kelvin L. v. Superior Court 62 Cal. App. 3d 823 and Saulter v. Municipal Court 75 Cal. App.3d 231).

Purging of such records five years after an internal affairs complaint is completed may not be appropriate, since records of conduct occurring within five years from the date of the event which is the subject matter of the underlying litigation are discoverable. Therefore, files will be retained an additional six months beyond the required period in order to allow for authorized discovery from the date of the related incident rather than the date of the requested production.

After the five year six month period, all investigative files, records, and writings shall be destroyed, except under the following conditions:

(a) Records of complaints that the Department knows to be subject to civil litigation or criminal proceedings shall be retained until final adjudication of the matter.

(b) Records of complaints resulting in employee termination or resignation and those involving a capital case shall be permanently maintained in the Internal Affairs file.

(c) At his or her discretion, the Chief of Police shall have the authority to retain for a period longer than five (5) years and six (6) months any case file or records not otherwise provided for in this procedure.

Every sustained case which has resulted in a letter of reprimand, suspension, loss of pay, demotion in rank, or termination shall require all written information of the disciplinary action taken to be placed in the employee’s personnel file. After five years and six months, all non-relevant (outdated) discipline may be purged. However, it is not an employee’s right to have discipline purged from their personnel file; it is the Department’s discretion. If an employee is continuing to demonstrate an ongoing problem, the prior discipline will not be purged and the employee may grieve the decision not to purge an otherwise outdated item. Government Code § 3306.5 gives
peace officers the right to not only inspect their files, but to file a written request for the removal of any item. The Department must then either remove the item or file a written explanation for the non-removal within 30 days.

Caution should be used to avoid the destruction of any citizen's complaint linked to an on going criminal or civil case. The destruction of these relevant records could result in the imposition of sanctions as well as prejudice the agency's or a peace officer's position in the lawsuit. Therefore copies of internal affairs reports shall be retained where the criminal or civil case is still pending, or where a new trial may be granted on appeal. It is essential that destruction of citizens' complaints and other agency records are approved in conformity to Government Code § 34090.

If the records pertain to a minor, they should be retained a minimum of five and a half years past the date the minor reaches the age of eighteen (18), due to the possibility the minor may pursue civil rights causes of action within that time frame.

1010.7.1 PURGING OF IA RECORDS
Under authority of Penal Code § 832.5, investigation files over five (5) years old are allowed to be purged. It is recommended that records not be purged until five (5) years and six months after the final disposition date to prevent possible errors. Investigation files shall be reviewed semi-annually (January and July) and those deemed to meet the criteria for purging shall be destroyed.

1010.7.2 INITIATING A PURGE
A member of the Professional Standards Unit will prepare a memorandum to the Chief of Police recommending the listed files be purged. The list will contain:

(a) The allegation
(b) The officer(s) involved
(c) The name of the complainant
(d) The final classification of the investigation (Sustained/Not Sustained/etc.)
(e) The date of final disposition
(f) The purge date

Upon approval from the Chief of Police, a member of the Professional Standards Unit will prepare a memorandum requesting a review by the City Attorney's Office of all files recommended for purging. The memorandum should accompany the purge memo to the Chief of Police.

1010.7.3 COMPLETING A PURGE
When approval is received from the City Attorney's Office, a member of the Professional Standards Unit will:

(a) Remove the approved files from the storage cabinets
(b) Accompany the files to the shredder to assure the shredder operator destroys all files without review
(c) Open the Early Warning System database and remove the approved files from the database line by line
Seat Belts

1011.1 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).

1011.1.1 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.

1011.2 POLICY
It is the policy of the Brea Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 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.

1011.4 TRANSPORTING CHILDREN
Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).
Seat Belts

1011.5 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.

1011.6 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver’s position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1011.8 VEHICLE AIRBAGS
In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
Body Armor

1012.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY
It is the policy of the Brea 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.

1012.3 ISSUANCE OF BODY ARMOR
The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Brea 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.

1012.3.1 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.

1012.3.2 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.
1012.3.3 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.

1012.4 RANGEMASTER RESPONSIBILITIES
The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.
Personnel Files

1013.1 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.

1013.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.
(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee’s past, current or anticipated future medical conditions.
(c) Election of employee benefits.
(d) Employee advancement, appraisal, or discipline.
(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

1013.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws.
Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.5 REQUESTS FOR DISCLOSURE
Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee’s personnel file(s), shall be logged in the corresponding file.

1013.5.1 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 false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1013.6 EMPLOYEE ACCESS TO OWN FILE
Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested
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item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee’s request and the department’s written response shall be retained with the contested item in the employee’s personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1013.7 TYPES OF PERSONNEL FILES
Peace officer personnel files can be located in any of the following places:

1013.7.1 DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

1. It shall be the responsibility of the involved employee to provide the Training 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:

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.
Personnel Files

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).

2. Any such employee response shall be attached to and retained with the original adverse comment.

3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

1013.7.2 DIVISION FILE
The Training File should contain, but is not limited to, the following:

(a) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

1. It shall be the responsibility of the involved employee to provide the training Administration Clerk with evidence of completed training/education in a timely manner.

2. The training Administration Clerk shall forward copies to the Executive Assistant who shall ensure that copies of such training records are placed in the employee's department file.

1013.7.3 INTERNAL AFFAIRS FILE
The internal affairs file shall be maintained under the exclusive control of the Professional Standards 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 Professional Standards Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition
Personnel Files

1. Each investigation file shall be maintained alphabetically by the officer’s last name.

2. Each investigation file arising out of a formal citizen’s complaint shall be maintained no less than five years and six months. Investigation files arising out of internally generated complaints shall also be maintained no less than five years and six months.

   (b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee’s career.

1013.7.4 TRAINING FILES
An individual training file shall be maintained by the Professional Standards Unit 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.

1013.8 PURGING OF FILES
Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years and six months from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than five years and six months from the underlying complaint date (Government Code § 34090).

   (a) The Professional Standards Unit Supervisor shall determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

   (b) If a Professional Standards Unit Supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

   (c) During the preparation of each employee’s performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
Request for Change of Assignment

1014.1 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.

1014.2 REQUEST FOR CHANGE OF ASSIGNMENT
Personnel wishing a change of assignment are to complete a memorandum to their Division Commander.

1014.2.1 PURPOSE OF THE MEMORANDUM
The memorandum should list all of the candidates qualifications for the specific assignment(s). All relevant experience, education, and training should be included when completing this memorandum.
Commendations and Awards

1015.1 PURPOSE
The purpose of this policy is to establish guidelines for the official recognition of Police Department personnel who perform acts of heroism or meritorious service. The Brea Police Department is proud of the accomplishments of its employees and is desirous of recognizing those achievements. This recognition will be based on the degree of obvious bravery, heroism, lifesaving, or other distinguished service displayed in a given situation.

1015.2 PROCEDURE
Staff Members shall report, via a Supervisor’s Log, whether personally observed or brought to their attention, that which they believe to be worthy of official recognition. To the extent possible to assist in evaluation, each request for Department Commendation should thoroughly document the circumstances of the incident. Supervisors may include any information deemed relevant to assist the Awards Committee in their evaluation. All Supervisor’s Log will be reviewed by the Awards Committee.

Staff members of the department should identify and recognize the meritorious service by personnel of the department; however, any department member may nominate a fellow employee or citizen for Department Commendation. This can be accomplished by reporting the incident to any department supervisor, preferably supervisors with oversight of the nominee or nominator.

1015.3 AWARDS COMMITTEE
The purpose of the Awards Committee is to act as an advisory board to the Chief of Police. They are charged with the responsibility of examining each award nomination (Supervisor’s Log). The committee will constructively critique each award nomination to ensure it meets the criteria for the award and make a recommendation to the Chief of Police. The Committee will ideally meet in January to review and make their recommendations for the previous year’s nominees.

Membership: The Awards Committee will be comprised of 7 voting members of the Police Department (including the Investigations Division Commander). Members shall attend all committee meetings and fully participate or be removed by the Chief of Police (or his/her designee). Ideally, the Committee will be comprised of employees from each division and/or special assignments

1015.4 AWARDS CLASSIFICATIONS
The awards classifications are:

1. Medal of Valor: An act of extraordinary heroism (performed on/off duty), above and beyond the normal call of duty where extreme courage was displayed when confronted with the immediate peril of great bodily injury to one’s self or others. The Medal of Valor
Commendations and Awards

will only be awarded to a sworn Police Department employee or family if awarded posthumously.

2. Medal of Honor: Exceptional/Outstanding police work, exhibiting a high degree of courage, initiative, and professionalism in a dangerous situation, which may result in the apprehension of a dangerous felon or the saving of a life, under unusual conditions, not meeting the criteria of the Medal of Valor. The Medal of Honor may be awarded to any Police Department employee or family if awarded posthumously.

3. Distinguished Service Award: For service which is exemplary in nature and demonstrates a high degree of proficiency.

4. Lifesaving: Exceptional police work exhibiting a high degree of courage, initiative, and professionalism, which directly and immediately results in the saving of a life. The Lifesaving Award may be awarded to any Police Department employee or family if awarded posthumously.

5. Department Commendation: For service to the department or within the community that reflects credit upon the department.

1015.6 VOLUNTEER/CITIZEN RECOGNITION

Many occasions arise where the efforts of a citizen or volunteer result in the apprehension of criminals, the prevention of bodily injury, the saving of a life, the recovery of stolen property, or other meritorious actions. In order to recognize those volunteers or citizens who engage in any of the above activities, the following procedures shall be initiated:

1. Any member of the Police Department should make the Awards Committee aware of the incident and circumstances the volunteer/citizen was involved in.

2. The Award Committee will review the circumstances of the incident and determine if the actions the volunteer/citizen took rises to the level of a Department Commendation.
Fitness for Duty

1016.1 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).

1016.2 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.

1016.3 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. Supervisors shall emphasize to employees that the reporting or observation of perceived psychological or physical problems does not automatically result in administrative suspension, confiscation of their weapon, light duty assignment, or immediate referral for a fitness-for-duty evaluation.
(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.

1016.4 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.

1016.5 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.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
Fitness for Duty

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1016.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

Personnel are allowed to work a maximum of 16 hours per 24 hour period. Any employee working more than 12 consecutive hours must have 8 hours off before returning to work or their next work assignment. Personnel are restricted to working a maximum of 72 hours in any payroll week (Sat-Friday). In extraordinary circumstances these hours may be exceeded by approval of a supervisor. These limits do not apply in emergency deployment situations.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1016.8 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 Conduct Policy.
Meal Periods and Breaks

1017.1 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.

1017.1.1 MEAL PERIODS
The following positions shall be allowed a paid meal break during each shift worked;

- Sworn employees (BPA Members)
- Patrol Lieutenants
- Public Safety Dispatcher I, II and Senior
- Communications Supervisor while serving in a dispatcher capacity
- Police Services Officers

Uniformed patrol and traffic officers shall request clearance from Dispatch/Communication Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

An employee must be on duty for at least six (6) hours before taking a meal break.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch/Communication Center.
Lactation Break Policy

1018.1 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).

1018.2 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).

1018.3 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 Dispatch 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.

1018.4 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.
1018.5 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.

1018.5.1 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

1019.1 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.

1019.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS
Employees are responsible for the accurate and timely electronic approval of payroll records for the payment of wages.

1019.1.2 TIME REQUIREMENTS
All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted to the time keeping system no later than 6:30 a.m. on the Saturday morning after the end of the pay period, unless specified otherwise.

1019.2 RECORDS
The Scheduling Lieutenant shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

1019.3 POLICY
The Brea Police Department maintains timely and accurate payroll records.

1019.4 RESPONSIBILITIES
Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.
Overtime Compensation Requests

1020.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a “Brea Police Department Overtime Form” as soon as practical after overtime is worked.

1020.1.1 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1020.2 REQUEST FOR OVERTIME COMPENSATION
Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1020.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime forms for on-call pay when off duty shall submit forms to the Watch Commander the first day after returning for work.

1020.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Following supervisor verification and approval, the overtime payment request form is forwarded to the employee’s Division Commander for final approval.
1020.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime).

1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
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<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>¼ hour</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>½ hour</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>¾ hour</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

1020.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.
Outside Employment

1021.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 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.

1021.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.
Outside Employment

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).

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee’s performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee’s conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee’s full time duties until the employee has returned to a full duty status.

1021.3 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 department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department.

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee’s duties for this department less efficient.
Outside Employment

1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the department 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.

1021.3.2 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.

1021.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.
Outside Employment

1021.4 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.

1021.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1021.5 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.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY
Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:
Outside Employment

(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 Brea 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

1022.1 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.

1022.1.1 DEFINITIONS
Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1022.2 POLICY
The Brea 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.).

1022.3 RESPONSIBILITIES

1022.3.1 MEMBER RESPONSIBILITIES
Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1022.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers’ compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1022.3.3 DIVISION COMMANDER RESPONSIBILITIES
The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City’s risk management entity, and the Administration Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.
Occupational Disease and Work-Related Injury Reporting

1022.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

1022.4 OTHER DISEASE OR INJURY
Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1022.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City’s right of subrogation, while ensuring that the member’s right to receive compensation is not affected.
Work Hours

1023.1 WORK HOURS
Personnel are allowed to work a maximum of 16 hours per 24 hour period. Any employee working more than 12 consecutive hours must have 10 hours off before returning to work or their next work assignment. Personnel are restricted to working a maximum of 120 hours in any pay period (2 weeks). Personnel may not work more than 6 consecutive days without a full day off. In extraordinary circumstances, these hours may be exceeded by approval of a supervisor. These limits do not apply in emergency deployment situations.
Personal Appearance Standards

1023.1 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.

1023.2 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.

1023.2.1 HAIR
Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.
For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1023.2.2 FACIAL HAIR
With the described guidelines and exceptions, facial hair may worn by any member of the department, regardless of assignment. Any facial hair shall always remain trimmed and clean in order to project a professional appearance and instill public confidence in all personnel.

- Mustaches – members wearing a mustache only shall not grow their mustache below the corners of the mouth or beyond the natural hairline of the upper lip. (i.e. no Fu Manchu style mustaches will be permitted.)
- Beard/Goatee – employees who choose to wear a beard or goatee shall keep the hair neatly trimmed, and no hair shall extend more than ½ inch below the jaw line. No “neck beards” will be permitted.
- Sideburns – members who choose to wear sideburns only shall not grow sideburns below the top of the earlobes. Sideburns shall remain neatly trimmed at all times.

Individual department members may be exempted from these guidelines at the discretion of the Chief of Police, or designee. Typically, such exemptions will be restricted to investigators assigned to undercover duties.

1023.2.3 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.
1023.2.4 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.
(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.

1023.3 TATTOOS
While on-duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1023.4 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.

1023.5 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

1024.1 PURPOSE AND SCOPE
The uniform policy of the Brea Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property
Section 1024 - Body Armor
Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Brea 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.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department’s uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
Uniform Regulations

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
   1. Wrist watch
   2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
   3. Medical alert bracelet

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee’s name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

   (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

   (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1024.3 UNIFORM CLASSES

1024.4 CIVILIAN ATTIRE
There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

   (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

   (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

   (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

   (d) The following items shall not be worn on duty:
       1. T-shirt alone
Uniform Regulations

2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Brea Police Department or the morale of the employees.

1024.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Police, Brea Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Brea Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.
(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
(c) Endorse, support, or oppose, any product, service, company or other commercial entity.
(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT
(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:
   1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
   2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the
replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Brea Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Brea Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Police Cadets

1025.1 PURPOSE AND SCOPE
Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1025.2 EDUCATION REQUIREMENTS
Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

1025.3 PROGRAM COORDINATOR
The Field Training Unit Manager will serve as the Cadet Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of Cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all Cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations. The Program Coordinator may appoint one or more Assistant Coordinators.

1025.3.1 CADET MENTORS
The Program Coordinator may select individual officers to serve as Cadet Mentors for the Cadet Program. These officers will serve as coaches and mentors for Cadets who will bring special requests, concerns, and suggestions to their mentor for advice or direction before contacting the Program Coordinator. One or more mentors may be designated as the Program Coordinator's assistant(s) to lead scheduled meetings and training sessions involving the cadets. Multiple Cadets may be assigned to each mentor. Mentors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1025.4 SENIOR CADET PROGRAM
A Cadet who has demonstrated the proficiencies and qualifications outlined below shall be appointed to the position of Senior Police Cadet. Senior Cadets shall bear additional duties and responsibilities compared to Cadets, but will also be given additional privileges and benefits. Senior Cadets will be expected to assume a leadership role within the Cadet program and engage in training and mentoring of other Cadets.

1025.4.1 SENIOR CADET QUALIFICATIONS
To be considered for appointment to a Senior Cadet position, a Cadet must have completed the following:
- Complete one year as a Cadet with a satisfactory or better annual performance evaluation.
- Complete 16 hours of orientation training with Senior Cadets and mentor staff.
Police Cadets

- Complete front counter training, to include two 10-hour shifts with a Police Service Officer and two 6-hour Saturday shifts with a Senior Cadet or other experienced cadet.
- Complete overnight parking training, to include two four-hour shifts with a Senior Cadet or other experienced cadet.
- Complete one shift with the downtown Parking Control Officer.
- Complete a POST-approved 8-hour course relating to Court and Temporary Holding Facilities.
- Complete 80 ride-along hours with patrol officers in the previous 12 months.
- Complete 40 hours of paid overnight parking enforcement shifts in the previous 12 months (including the two training shifts).
- Successfully pass a written test of general job knowledge (basic criminal law, radio codes, policy and procedure, basic grammar, etc.).

1025.4.2 SENIOR CADET RESPONSIBILITIES
Once appointed, Senior Cadets will be expected to:

- Primarily be assigned to work at the front counter
- May be assigned to assist in the jail or in the field when front counter is over-staffed
- Be primary trainers of newly hired Cadets
- Be role models and mentors for other Cadets
- Mentor explorers who have expressed a desire to become Cadets

1025.4.3 SENIOR CADET BENEFITS
Senior Police Cadets will enjoy the following privileges and benefits:

- 5% wage increase
- One paid 12.5 hour ride-along per month, in addition to normal operational duty hours
- Silver corporal-style chevron worn on the collar
- Eligible to attend additional training courses, including Basic Collision Investigation and Physical Fitness for Law Enforcement Applicants. Other position-relevant classes will also be considered.

1025.4.4 SENIOR CADET MAINTENANCE
Designation as a Senior Cadet will continue indefinitely, provided that the senior cadet:

- Continues to perform at a Satisfactory or better level on annual evaluations
- Maintains a leadership role within the Cadet program, and actively participates in training and mentoring other cadets
- Completes at least 100 paid ride-along hours in the previous 12 months
Police Cadets

- Completes at least 40 hours of overnight parking enforcement shifts in the previous 12 months

1025.5 ORIENTATION AND TRAINING
Newly hired Cadets will receive an orientation of the organization and facilities before reporting to their first assignment. Generally, Senior Cadets will provide this training. Training sessions will be scheduled as needed to train Cadets for as many assignments as possible.

In addition to job-specific training, information will be offered to prepare Cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers.

The Program Coordinator or their designee will schedule regular meetings to give Cadets an opportunity to receive continuous feedback regarding progress of the program.

1025.6 CADET UNIFORMS
Upon hire, each Cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

1025.7 ROTATION OF ASSIGNMENTS
Rotating job assignments should occur on a regular basis to enhance the career development for each Cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Program Coordinator or their designee. In general, rotation of assignments will correspond with patrol shift changes.

In general, Senior Cadets will be assigned to positions requiring more technical skill or responsibility.

1025.8 RIDE-ALONG PROCEDURES
All Cadets are authorized to ride-along with police officers. Aside from the monthly paid ride-along for Senior Cadets, the ride-along will be on the Cadet’s own time. Cadets shall wear their uniform while participating on a ride-along. Cadets are encouraged to ride-along with members of the mentor staff.

For development purposes, Cadets are permitted to ride-along, on their own time, with employees in other areas of the department such as the jail, dispatch, and parking enforcement. Each ride-along of this type shall be approved by the Watch Commander or Program Coordinator.

1025.9 PERFORMANCE EVALUATIONS
Performance evaluations for all Cadets shall be completed annually. Cadets and Senior Cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.
Police Cadets

Cadets will be evaluated to determine if they have met criteria to become a Senior Cadet. Senior Cadets will be evaluated regarding to their ability to maintain their Senior Cadet status. Cadet evaluations should be submitted to the Program Coordinator for review.
Department Badges

1027.1 PURPOSE AND SCOPE
The Brea Police Department badge and uniform patch as well as the likeness of these items and
the name of the Brea Police Department are property of the Department and their use shall be
restricted as set forth in this policy.

1027.2 POLICY
The uniform badge shall be issued to department members as a symbol of authority and the use
and display of department 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.

1027.2.1 FLAT BADGE
Sworn officers, shall be issued a flat badge capable of being carried in a wallet. The use of the
flat badge is subject to all the same provisions of department policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed from the officer’s
control, he/she shall make the proper notifications as outlined in the Department
Owned and Personal Property Policy.

(b) An honorably retired officer may purchase his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn
personnel.

1027.2.2 NON-SWORN PERSONNEL
Badges and department identification cards issued to non-sworn personnel shall be clearly marked
to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of
his/her uniform and while on duty, or otherwise acting in an official and authorized
capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself,
on or off duty, in such a manner which would cause a reasonable person to believe
that he/she is a sworn peace officer.

1027.2.3 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.
**Department Badges**

**1027.3 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.

**1027.4 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 Brea Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.
Temporary Modified-Duty Assignments

1028.1 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.

1028.2 POLICY
Subject to operational considerations, the Brea 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.

1028.3 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 Brea 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.

1028.4 PROCEDURE
Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.
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 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.

1028.5 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.

1028.5.1 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.
1028.5.2 SUPERVISOR RESPONSIBILITIES
The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the 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.

1028.6 MEDICAL EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1028.7 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.

1028.7.1 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.

1028.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1028.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees
Temporary Modified-Duty Assignments

who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.
Personal Appearance Standards

1028.1 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.

1028.2 APPEARANCE 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.

1028.3 TATTOOS
At no time while on duty or representing the Department in any official capacity, shall any tattoo or body art be visible while the department member is standing or sitting in a normal position. Any tattoos or body art that would otherwise be visible while standing or sitting in a normal position shall be covered by the uniform (or other authorized article of clothing for non-uniform personnel). Other materials, such as neoprene sleeves or bandages, may not be used to cover visible tattoos or body art in lieu of an authorized uniform or other authorized article of clothing.

1028.4 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.
Employee Speech, Expression and Social Networking

1030.1 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.

1030.1.1 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.

1030.2 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 Brea 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.

1030.3 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 Brea Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee’s family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:
1030.4 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 Brea 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 Brea Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Brea 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 Brea Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Brea 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).

1030.4.1 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 Brea Police Department or identify themselves in any way that could be reasonably perceived as representing the Brea 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 Brea Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.
Employee Speech, Expression and Social Networking

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).

1030.5 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) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name 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).

1030.6 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.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1030.7 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

1031.1 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 Brea 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.

1031.2 POLICY
The Brea 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.

1031.3 ILLNESS AND INJURY PREVENTION PLAN
The Uniform Division Commander 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:
   1. Meet regularly.
   2. Prepare a written record of safety and health committee meetings.
   3. Review the results of periodic scheduled inspections.
   4. Review investigations of accidents and exposures.
   5. Make suggestions to command staff for the prevention of future incidents.
   6. Review investigations of alleged hazardous conditions.
   7. Submit recommendations to assist in the evaluation of member safety suggestions.
   8. Assess the effectiveness of efforts made by the Department to meet relevant standards.
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).

1031.4 UNIFORM DIVISION COMMANDER RESPONSIBILITIES
The responsibilities of the Uniform 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:
   (a) New member orientation that includes a discussion of safety and health policies and procedures.
   (b) Regular member review of the illness and injury prevention plan.
   (c) 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.
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.

1031.5 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 Uniform Division Commander.

(e) Notifying the Uniform Division Commander 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.

1031.6 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.
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 Uniform Division Commander via the chain of command.

The Uniform Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1031.7 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 Uniform Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1031.7.1 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.

1031.8 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.
1031.9 TRAINING
The Uniform Division Commander 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.

1031.9.1 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/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1031.10 RECORDS
Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.
Equipment Uniform and Dress Standards

1032.1 PURPOSE AND SCOPE
All sworn members of the Department shall maintain in good order a regulation Class A and Class B uniform. Civilian employees shall maintain a uniform when so directed by the Chief of Police.

All articles of the uniform shall conform to the Departmental uniform regulation, and only authorized items may be worn on the uniform. Civilian clothing shall not be worn with any distinguishable part of the uniform, nor shall any distinguishable part of the uniform be worn while off duty.

All equipment must be clean, in good working condition, and conform to Department specifications.

1032.2 MANNER OF DRESS ON DUTY
UNIFORM: Normally personnel will wear the duty uniform during their tour of duty. Commanding officers may prescribe other clothing as required by the nature of the duty to which a particular personnel is assigned.

CIVILIAN CLOTHING: Personnel permitted to wear civilian clothing during a tour of duty shall conform to Policy section 1046.4, Civilian Attire, unless otherwise directed. This is attire generally worn by office or business personnel in private industry. Commanding officers may prescribe other types of clothing when necessary to meet a particular police objective or assignment.

CONDITION OF CLOTHING: Regardless of the type of clothing worn, it shall be kept in good condition, neat, clean, and well pressed at all times.

1032.3 UNIFORM PROTOCOL
While wearing the Department uniform, personnel shall maintain a military bearing. At all times they shall maintain proper posture, attitude, and demeanor, remembering that they are readily identified as a representative of the City and the Police Department. While in uniform, personnel shall show proper respect under all conditions and circumstances. Examples of proper uniform etiquette are as follows:

When wearing the Department hat or cap, personnel shall come to attention and salute with their right hand to the brim of their hat, during the passing or raising of the American flag, or the playing of the National Anthem. Without the hat or cap, the salute shall be from the chest (cover badge with the right hand).
When wearing the Department hat or cap, personnel shall uncover when entering any building. Exceptions to this would be when personnel are participating in an activity requiring the hat to be worn; i.e., pallbearer, color guard, usher, etc.

1032.3.1 REGULATION DEPARTMENT UNIFORM
The following items will constitute the regulation duty uniform and equipment. Any deviation must be approved by the Chief of Police or his designee:

1032.3.2 INSIGNIAS
BADGE: The authorized Brea Police Department issued badge shall be worn on the Class A uniform shirt or Class B uniform shirt at all times; unless worn on an authorized jacket or outer vest carrier.

CLOTH BADGE PATCH: The authorized Brea Police Department cloth badge patch may be worn on the left chest of the authorized jacket, the outer vest carrier and shall be worn on the left chest of the Class C uniform polo shirt.

HAT PIECE: The authorized Brea Police Department issued hat piece shall be worn on the Class A Uniform hat and Campaign Cover.

SHOULDER PATCH: The authorized Brea Police Department shoulder patch shall be worn on Class A uniform shirts, Class B uniform shirts, Class C polo shirts, and authorized jackets.

TRAFFIC OFFICER SHOULDER PATCH: Parking Control Officers, Traffic Officers, Commercial Enforcement Officers, Traffic Corporals, and Traffic Sergeants shall wear the authorized Brea Police Department silver “Flying Wheel” patch centered under the authorized Brea Police Department shoulder patch on Class A uniform shirts, Class B uniform shirts, and authorized jackets.

CHEVRONS: Corporals shall wear the authorized Brea Police Department silver two stripe Corporal chevrons on the left and right sleeves and centered under the authorized Brea Police Department shoulder patch on Class A uniform shirt, Class B uniform shirt, Class C polo shirt, and on authorized jackets. Sergeants shall wear the authorized Brea Police Department silver three stripe Sergeant chevrons on the left and right sleeves and centered under the authorized Brea Police Department shoulder patch on Class A uniform shirts, Class B uniform shirts, Class C polo shirts, and authorized jackets.
NAME TAG: Brush metal finish with black lettering, displaying first name initial and last name. The name tag shall be # X 2 ½ inches in size. The name tag shall be worn centered over the right chest pocket with the bottom edge of the name tag touching the top edge of the pocket. The name tag shall be worn on Class A uniform shirts & Class B uniform shirts.

NAME TAPE: Black name tape with silver lettering, displaying first name initial and last name. The name tape shall be 1 inch tall with 0.70 inch tall lettering. The name tape shall be worn centered over the right chest. The name tape shall be worn on jackets and outer vest carriers.

RANK INSIGNIA: Police Lieutenants shall wear a pair of silver Lieutenant bars on the collar of Class A uniform shirts, Class B uniform shirts, and authorized jackets. Police Captains shall wear a pair of silver Captains bars on the collar of Class A uniform shirts, Class B uniform shirts, and authorized jackets. The Chief of Police shall wear a pair of silver stars on the collar of Class A uniform shirts, Class B uniform shirts, and authorized jackets.

SPECIAL DEPARTMENT AWARDS: Medal of Valor recipients, Medal of Honor recipient, Life Saving Medal recipients & Distinguished Service Award recipients may wear the medal attached to the designated ribbon around the Police Officer’s neck with the medal centered and resting on the Police Officer’s chest during appropriate formal occasions with the Class A uniform.

SPECIAL DEPARTMENT AWARD PINS: Special Award Pins such as: Medal of Valor recipients, Medal of Honor recipients, Life Saving Medal recipients, Distinguished Service Award recipients, MADD DUI Award Recipients, 10851 Award Recipients, BPA Officer of the Year, BPA Investigator of the Year, & BPA Support Services Member of the Year pins, may be worn on the left pocket flap of Class A uniform shirts & Class B uniform shirts. No more than two pins may be worn on the left pocket at one time.

SPECIAL ASSIGNMENT PINS: Authorized Brea Police Department special assignment pins including: FTO, K9, Range, SRO, SWAT, & Traffic may be worn on the right pocket flap of Class A uniform shirts & Class B uniform shirts. No more than two pins may be worn on the right pocket at one time.

OTHER PINS: Authorized pins including: Shooting Proficiency pins, American flag pin, Military flag pin, National Law Enforcement Memorial pin, and 9/11 Memorial pin or other pins authorized by the Chief of Police may be worn on the left pocket flap of Class A uniform shirts & Class B uniform shirts. No more than two pins may be worn on the left pocket at one time.
MILITARY RIBBONS: Police Officers who are also military veterans may wear ribbons awarded for military service on the Class A shirt. A maximum of two rows of ribbons may be worn. Military ribbons shall be worn on the left chest underneath the police department badge and above the left pocket flap.

HASH MARKS: Hash marks designating years of service as a Sworn Police Officer shall be worn on the left sleeve of the long sleeve uniform shirt or jacket. The hash marks shall be silver in color. One hash mark represents 5 years of service.

1032.4 CLASS A UNIFORM
The Class A Uniform shall be considered the dress uniform and shall be worn at all formal occasions unless other direction is given.

POLICE OFFICER

HAT: Navy blue cloth hat with round top and short visor with authorized Brea Police Department hat piece. The hatband shall be black for Officers and silver for Sergeants, Lieutenants, Captains and the Chief of Police. Lieutenants, Captains, and the Chief of Police shall wear silver oak leaf sprigs on the hat brim. During inclement (rainy) weather, a clear or black rain cover may be worn.

JACKET: During inclement (rainy) weather, a jacket may be worn. Black police jacket with either a badge tab or cloth badge patch sewn on the left chest, embroidered or cloth name tape sewn on the right chest, department shoulder patches, chevrons (if applicable), rank insignias (if applicable) worn on the collar and hash marks worn on the left sleeve.

SHIRT: Long sleeve navy blue LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches.

UNDERSHIRT: Black crew neck T-Shirt shall be worn under the Class A uniform shirt.

BODY ARMOR VEST: Officers are required to wear the department issued body armor vest while on duty and in uniform.

TIE: Black tie with brushed metal tie bar.
Equipment Uniform and Dress Standards

GLOVES: White cloth gloves.

PANTS: Navy blue LAPD style uniform pant made of wool, polyester, or combination of both.

BELT: Black basket weave leather belt or a black nylon belt.

SAM BROWNE: Black leather or synthetic leather basket weave Sam Browne belt with either a chrome buckle or black plastic buckle.

KEEPERS: Black leather or synthetic leather hidden snap keepers. Enough keepers shall be used to keep the Sam Browne snug to the pants belt.

AUTHORIZED ACCESSORIES: Authorized Brea Police Department hand gun holster, magazine pouch, hand cuff case(s), radio holder & baton ring. If equipped with snaps, all accessories shall have hidden snaps.

SHOES: Highly polished black military style oxfords.

TRAFFIC MOTORCYCLE OFFICER

The Class A uniform for Traffic Motorcycle Officers shall be the same as the Class A uniform for Police Officers except:

HELMET: Authorized Brea Police Department motorcycle helmet with authorized Brea Police Department badge hat piece.

ASCOT: White ascot to be worn in lieu of a tie.

JACKET: Black Motoport Police Air Mesh jacket with either a badge tab sewn or cloth badge patch sewn on the left breast, embroidered or cloth name tape with first name initial and full last name 1 inch tall in silver threat on the right breast, department shoulder patches, chevrons (if applicable), rank insignias (if applicable) worn on the collar and hash marks worn on the left sleeve.

GLOVES: Authorized black motorcycle gloves.
PANTS: LAPD Blue with a silver stripe down the outer seam Motoport Police Air Mesh Trousers

SHOES: Highly polished black uniform boots.

1032.4.1 CLASS B UNIFORM
The Class B Uniform shall be considered the standard duty uniform and shall be worn on all regularly scheduled shifts unless other direction is given.

POLICE OFFICER

BASEBALL HAT
Authorized Brea Police Department baseball hat may be worn during daylight hours or during inclement weather.

BEANIE HAT
Authorized Brea Police Department beanie hat may be worn during periods of cold weather.

SHIRT (OPTION 1): Long sleeve or short sleeve navy blue LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches.


SHIRT (OPTION 3): Long sleeve or short sleeve Midnight Navy (Color 750) 5.11 Tactical Patrol Duty Uniform (PDU) RAPID uniform shirt. This shirt shall only be worn with a tactical outer vest carrier.

UNDERSHIRT: Black crew neck T-Shirt shall be worn under the Class B uniform shirt.

BODY ARMOR VEST: Officers are required to wear the authorized Brea Police Department issued body armor vest while on duty and in uniform.

OUTER VEST CARRIER: An outer vest carrier may be worn with the Class B uniform in lieu of a concealable body armor vest. The outer vest carrier shall be black in color and be made of high
quality nylon. The outer vest carrier shall have the following features: display a Department badge or cloth badge patch, display a name tape, have either sewn pouches or Modular Lightweight Load Carrying Equipment (MOLLE) pouches. Pouches shall be black in color and be made of high quality nylon. Authorized pouches include: magazine pouch, radio pouch, general purpose pouch, collapsible baton pouch, handcuff pouch, conducted electrical weapon device pouch, or other pouch as authorized by the Chief of Police. When wearing an outer vest carrier, Police Officers shall wear a Sam Browne duty belt with duty weapon holster and baton ring. Police Officers may remove the outer vest carrier while in a secure environment and out of public view, such as inside of the police station.

JACKET: Black police jacket with either a badge tab or cloth badge patch sewn on the left chest, embroidered or cloth name tape sewn on the right chest, department shoulder patches, chevrons (if applicable), rank insignias (if applicable) worn on the collar and hash marks worn on the left sleeve.

RAIN JACKET: Black or high visibility orange or yellow waterproof jacket or parka may be worn during inclement (rainy) weather.

TURTLENECK SWEATER: Black turtleneck or mock turtleneck sweater may be work under the long sleeve uniform shirt.

PANTS (OPTION 1): Navy blue LAPD style uniform pant made of wool, polyester, or combination of both.


RAIN PANTS: Black or high visibility orange or yellow water resistant pants may be worn during inclement (rainy) weather.

SHORTS: Navy blue cargo shorts with a minimum 7” inseam. Police Officers may wear shorts while on uniformed patrol at their discretion. Shorts are not authorized during inclement (rainy) weather.

BELT: Black basket weave leather belt or a black nylon belt.
**Equipment Uniform and Dress Standards**

SAM BROWNE: Black leather or synthetic leather basket weave Sam Browne belt with either a chrome buckle or black plastic buckle.

KEEPERS: Black leather or synthetic leather hidden snap keepers. Enough keepers shall be used to keep the Same Browne snug to the pants belt.

AUTHORIZED ACCESSORIES: Authorized Brea Police Department hand gun holster, magazine pouch, hand cuff case(s), radio holder, conducted electrical weapon holster, baton ring, collapsible baton holder, digital audio recorder holder, pepper spray holder, flashlight holder, & key holder. If equipped with snaps, all accessories shall have hidden snaps.

SOCKS: Black athletic crew socks shall be worn if visible.

SHOES: Black uniform boots or black military oxfords.

**COMMERCIAL ENFORCEMENT OFFICER**

The Commercial Enforcement Officer Class B Uniform shall be the same as the Police Officer Class B uniform with the following exceptions:

UTILITY UNIFORM: One or Two piece black long or short sleeve utility uniform with cloth badge patch sewn on the left chest, embroidered or name tape sewn on the right chest and authorized Brea Police Department shoulder patches.
Equipment Uniform and Dress Standards

K9 OFFICER

The K9 Officer Class B Uniform shall be the same as the Police Officer Class B uniform with the following exceptions:

UTILITY UNIFORM: One or Two piece black long or short sleeve utility uniform with cloth badge patch sewn on the left chest, embroidered or name tape sewn on the right chest and authorized Brea Police Department shoulder patches.

K 9 EQUIPMENT: Other necessary K 9 equipment may be approved by the Chief of Police and worn in conjunction with the uniform by K 9 handlers.

TRAFFIC OFFICER

The Traffic Officer Class B Uniform shall be the same as the Police Officer Class B uniform with the following exceptions:

HELMET: Authorized Brea Police Department motorcycle helmet with authorized Brea Police Department badge hat piece.

JACKET: Black Motoport Police Air Mesh jacket with either a badge tab sewn or cloth badge patch sewn on the left chest, embroidered or cloth name tape sewn on the right chest, department shoulder patches, chevrons (if applicable) and hash marks.

GLOVES: Authorized black motorcycle gloves.

PANTS: LAPD Blue with a silver stripe down the outer seam Motoport Police Air Mesh Trousers.

SHOES: Black uniform boots.
1032.4.2 CLASS C UNIFORM
The Class C Uniform may be worn at the Police Officer’s discretion with Supervisor’s approval. The Class C Uniform shall be the normal duty uniform for Bike Team Officers, Downtown Liaison Officers, and School Resource Officers.

BASEBALL HAT
Authorized Brea Police Department baseball hat may be worn during daylight hours or during inclement weather.

BEANIE HAT
Authorized Brea Police Department beanie hat may be worn during periods of extreme cold weather.

SHIRT: Black long or short sleeve polo shirt made of cotton, polyester, or combination of both. The polo shirt shall have: cloth badge patch sewn on the left chest, embroidered or cloth name tape on the right breast, department shoulder patches, chevrons (if applicable) and hash marks.

UNDERSHIRT: Black crew neck T-Shirt shall be worn under the Class C uniform shirt.

BODY ARMOR VEST: Officers are required to wear the authorized Brea Police Department issued body armor vest while on duty and in uniform.

OUTER VEST CARRIER: An outer vest carrier may be worn with the Class C uniform in lieu of a concealable body armor vest. The outer vest carrier shall be black in color and be made of high quality nylon. The outer vest carrier shall have the following features: display a Department badge or cloth badge patch, display a name tape, have either sewn pouches or Modular Lightweight Load Carrying Equipment (MOLLE) pouches. Pouches shall be black in color and be made of high quality nylon. Authorized pouches include: magazine pouch, radio pouch, general purpose pouch, collapsible baton pouch, handcuff pouch, conducted electrical weapon device pouch, or other pouch as authorized by the Chief of Police. When wearing an outer vest carrier, Police Officers shall wear a Sam Browne duty belt with duty weapon holster and baton ring. Police Officers may remove the outer vest carrier while in a secure environment and out of public view, such as inside of the police station.
JACKET: Black police jacket with either a badge tab or cloth badge patch sewn on the left chest, embroidered or cloth name tape sewn on the right chest, department shoulder patches, chevrons (if applicable), rank insignias (if applicable) worn on the collar and hash marks worn on the left sleeve.

PANTS: Black utility pants (similar to 5.11 Tactical Stryke Pant)

SHORTS: Black cargo shorts with a minimum 7” inseam. Police Officers may wear shorts while on uniformed patrol at their discretion. Shorts are not authorized during inclement (rainy) weather.

BELT: Black basket weave leather belt or a black nylon belt.

SAM BROWNE: Black leather or synthetic leather basket weave Sam Browne belt with either a chrome buckle or black plastic buckle.

KEEPERS: Black leather or synthetic leather hidden snap keepers. Enough keepers shall be used to keep the Same Browne snug to the pants belt.

AUTHORIZED ACCESSORIES: Authorized Brea Police Department hand gun holster, magazine pouch, hand cuff case(s), radio holder, conducted electrical weapon holster, baton ring, collapsible baton holder, digital audio recorder holder, pepper spray holder, flashlight holder, & key holder. If equipped with snaps, all accessories shall have hidden snaps.

SOCKS: Black athletic crew socks shall be worn if visible.

SHOES: Black uniform boots or ALL black athletic shoes. Boots are not authorized while wearing shorts.

1032.4.3 CLASS D UNIFORM
The Class D uniform may be worn by police personnel authorized to wear civilian attire with Supervisor’s approval or by any police employee attending a meeting, training class, or conference where business casual clothing is appropriate.

SHIRT: Authorized Polo shirt with the Brea Police Department “Hills” logo embroidered on the left chest.
**Equipment Uniform and Dress Standards**

PANTS: Business casual slacks (similar to Dockers) or utility pants (similar to 5.11 Tactical Stryke Pant).

BELT: Dress belt or tactical nylon belt.

SHOES: Dress shoes or hiking boots and socks.

**1032.5 BATONS**

**STRAIGHT BATON**

Officers shall carry, at his or her own expense, a straight baton on duty. The baton shall be carried with the officer while conducting daily work activities. The officer shall have a black basket weave baton ring on their Sam Browne belt in which to carry the baton. The ring shall be black or chrome in color.

MATERIAL: Unloaded plastic or polycarbonate plastic, aluminum, natural wood or wood composite. The color shall be black or natural wood, stained or sealed.

STYLE: Between 21” and 29” in length and between 1 1/8” and 1 3/8” in diameter. Longer batons may be issued by the Department for use during riot situations, but are not to be carried as standard equipment. Straight batons may be fitted with a rubber grommet style stopper or may be fashioned with an integrated stopper (larger diameter portion of the baton designed to hold the baton in the ring.

**SIDE HANDLE BATON**

Officers may carry a side handle baton as an alternative to the straight baton. However, in order to be authorized to carry it, the officer must first have completed departmentally approved training in the use of the side handle baton.

MATERIAL: Unloaded black plastic or polycarbonate plastic, or aluminum with a polycarbonate plastic handle.

STYLE: Between 23” and 25” in length and between 1 1/8” and 1 3/8” in diameter with a fixed handle. Swivel handles are not authorized. Batons may be fitted with a rubber grommet style stopper. Officers may carry the solid one piece or two piece baton.

**EXPANDABLE BATON**
Equipment Uniform and Dress Standards

Officers may elect to purchase and carry an expandable baton to augment, not replace the straight or side handle baton. Expandable batons must be of a high quality from a reputable manufacturer, such as ASP, Monadnock and Peacekeeper Products, and must be between 21" and 29" in length. When in uniform, the expandable baton will be carried on the Sam Browne belt in a black basket weave scabbard or in an approved pouch on the outer vest carrier. While working patrol, officers will continue to maintain a regular baton ring on their belt, as well as to carry their regular straight or side-handled baton in their police vehicle for unusual occurrences. The expandable baton and scabbard shall be approved by the Defensive Tactics Staff prior to being carried. Officers must also successfully complete a certification program prior to carrying the expandable baton.

1032.6 POLICE CADETS
CADET CLASS A UNIFORM:

The Class A uniform shall be the same as the duty uniform with addition/exception of the items listed below:

SHIRT: Long sleeve light blue LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches.

TIE: Black tie with brushed silver tie bar to match in color with the nametag.

GLOVES: White cloth gloves.

CADET CLASS B UNIFORM:

This uniform will be worn by Police Cadets for all duties, with the exception of authorized Class A uniform events. There is no Class C Police Cadet uniform.

SHIRT: Long sleeve or short sleeve light blue LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches with the "Cadet" rocker.

PANTS: Standard military type dark blue pants of wool, polyester, or combination weave.
Equipment Uniform and Dress Standards

ALTERNATE CLASS B APPAREL: "5.11 Tactical" brand uniform pants ("class B" with cargo pockets or "class A" without cargo pockets, "Midnight Navy" (color 750) are optional authorized Class B uniforms. "5.11Tactical" uniforms are not authorized for Class A uniform wear.

SHOES: Black plain toes Oxford, or uniform boot.

BELT: Black basket weave leather belt or a black nylon belt.

SAM BROWNE: Black leather or synthetic leather basket weave Sam Browne belt with either a chrome buckle or black plastic buckle.

KEEPERS: Black leather or synthetic leather hidden snap keepers. Enough keepers shall be used to keep the Same Browne snug to the pants belt.

AUTHORIZED ACCESSORIES: If equipped with snaps, all accessories shall have hidden snaps. Authorized equipment that may be worn on the Sam Browne belt are:

1. Basket weave key ring holder
2. Basket weave flashlight holder and standard 3 "D" cell size flashlight
3. Basket weave mini-flashlight holder and flashlight
4. Basket weave knife holder and folding knife
5. Basket weave or metal Pac set holder
6. Basket weave handcuff holder and handcuffs
7. Basket weave PUMA holder and PUMA recording device

T-SHIRT: Cadets shall wear a black crew necked T-shirt under all uniform shirts.

NAME TAG: The name tag shall be worn centered directly above the right shirt pocket, retaining pins resting on top of the pocket. Nametags shall be brushed metal finish, silver with black lettering, first initial and last name. The nametag shall be 5/8" by 2 ½" in size.

BADGE: A Department issued badge shall be worn on the uniform shirt at all times unless displayed on the jacket.

SOCKS: Black or dark blue socks will be worn if seen.
JACKET: Black police jacket with either a badge tab or cloth badge patch sewn on the left chest, embroidered or cloth name tape sewn on the right chest, and department shoulder patches with the "Cadet" rocker.

CADET OPTIONAL ITEMS:

INCLEMENT WEATHER: Same as officers Class B optional inclement weather gear.

BODY ARMOR: Soft body armor vest may be worn under the uniform shirt.

CAP: Black baseball-style hat may be worn with "Brea Police" embroidered on the front. For cold weather wear, a black beanie cap with "Police" embroidered on the front is authorized.

1032.6.1 PROPERTY AND EVIDENCE TECHNICIAN
CLASS A UNIFORM: Class A uniform will be the same as the Class B uniform, with the following exceptions:

SHIRT: Long sleeve French blue LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches.

PANTS: Navy uniform pants of wool, polyester, or combination.

TIE: Black necktie with brushed metal tie bar

NAMETAG: A nametag shall be worn, centered directly above the right shirt pocket, retaining pins resting on top of the pocket. Nametags shall be brushed metal finish, silver with black lettering, first initial and last name. The nametag shall be 5/8" by 2 ½" in size.

GLOVES: White cloth gloves
CLASS B UNIFORM: The Class B uniform will be worn by Property and Evidence personnel for all duties that do not require Class A uniform.

SHIRT: Long or short sleeve black knit polo shirt or black cotton pinpoint shirt. "Brea Police Evidence" will be embroidered in white on the left chest and the employee's name (first initial and last name) embroidered in white on the right chest.

OPTIONAL: Black uniform-style cardigan sweater or sweatshirt; black uniform jacket.

PANTS: Standard military or Dockers-style black pants of cotton, polyester, or combination.

BELT: Black basket weave pants belt.

SHOES: Black plain toe Oxford shoes, uniform boots, or black tennis shoes.

SOCKS: Black socks.

1032.6.2 POLICE SERVICE OFFICER (PSO) / PARKING CONTROL OFFICER (PCO) / JAILER
PSO/PCO/JAILER CLASS A UNIFORM: Class A uniform will be the same as the class B uniform with the following exceptions:

SHIRT: Long sleeve Dark grey (commonly referred to as “Slate Grey”) LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches.

PANTS: Standard military type black pants of wool, polyester, or combination.

PSO/PCO/JAILER CLASS B UNIFORM:

SHIRT: Long sleeve or short sleeve Dark grey (commonly referred to as “Slate Grey”) LAPD style uniform shirt made of wool, polyester, or combination of both. The shirt shall have a standard military press and buttons, sewn badge tab on the left breast, and department shoulder patches. There will be no special position rocker under the shoulder patch.
Equipment Uniform and Dress Standards

1. ALTERNATE CLASS B APPAREL: "Vertx" brand uniform shirts, long or short-sleeved "Phantom LT," in Smoke Grey (color code SMG), are optional authorized Class B uniforms. "Vertx" uniforms are not authorized for Class A uniform wear.

2. Jailers may choose to wear a cloth badge over the left breast, a dark grey 1 inch tall cloth name strip, with 0.70 inch tall silver letters, attached over the right breast area (first initial and last name) for safety reasons when wearing the alternate Class B apparel. This configuration is not permitted for any other shirt option.

PANTS: Standard military type dark black pants of wool, polyester or combination weave.

1. ALTERNATE CLASS B APPAREL: "5.11 Tactical" brand uniform pants ("class B" with cargo pockets or "class A" without cargo pockets), "Black" (color code 019) are optional authorized Class B uniforms. "5.11 Tactical" uniforms are not authorized for Class A uniform wear.

BELT: Black basket weave pants belt is required. All gear will be black leather or synthetic leather basket weave. A Sam Browne belt is authorized. The buckle and snaps will be chrome or black and enough belt keepers will be used to keep the equipment snug to the pants belt. Authorized equipment that may be worn on the Sam Browne belt are:

1. Basket weave key ring holder
2. Basket weave flashlight holder and standard 3 "D" cell size flashlight
3. Basket weave mini-flashlight holder and flashlight
4. Basket weave knife holder and folding knife
5. Basket weave or metal Pac set holder
6. Basket weave handcuff holder and handcuffs
7. Basket weave PUMA holder and PUMA recording device
8. Basket weave OC Pepper Spray holder and OC Pepper Spray Canister (if authorized)

SHOES: Black plain toes Oxford, or uniform boot.
NAMETAG: A nametag shall be worn, centered directly above the right shirt pocket, retaining pins resting on top of the pocket. Nametags will be brushed finish silver metal with black lettering, first initial and last name. The nametag shall be 5/8" by 2 ½" in size.

BADGE: A Department issued badge will be worn on the uniform shirt at all times, unless it is on a jacket being worn over the shirt.

BELT: Black basket weave leather belt or a black nylon belt.

SAM BROWNE: Black leather or synthetic leather basket weave Sam Browne belt with either a chrome buckle or black plastic buckle.

KEEPERS: Black leather or synthetic leather hidden snap keepers. Enough keepers shall be used to keep the Same Browne snug to the pants belt.

AUTHORIZED ACCESSORIES: If equipped with snaps, all accessories shall have hidden snaps. Authorized equipment that may be worn on the Sam Browne belt are:

1. Basket weave key ring holder
2. Basket weave flashlight holder and standard 3 "D" cell size flashlight
3. Basket weave mini-flashlight holder and flashlight
4. Basket weave knife holder and folding knife
5. Basket weave or metal Pac set holder
6. Basket weave handcuff holder and handcuffs
7. Basket weave PUMA holder and PUMA recording device
8. Basket weave OC Pepper Spray holder and OC Pepper Spray Canister (if authorized)

TIE: Black with silver brushed metal tie bar.

GLOVES: White cloth gloves.

PSO/PCO/JAILER OPTIONAL ITEMS: Optional items for the Class B uniform may be worn at the discretion of the officer, but if worn, they shall conform to Department standards.
Equipment Uniform and Dress Standards

JACKET: Black police jacket with either a badge tab or cloth badge patch sewn on the left chest, embroidered or cloth name tape sewn on the right chest, and department shoulder patches.

INCLEMENT WEATHER: A standard jacket, full length coat, or two-piece jacket and/or pants, yellow or black in color, will be authorized. The jacket may have the word "Police" stenciled on the back.

SAM BROWNE: A black leather or synthetic leather basket weave belt with accessories is authorized. The buckle and snaps will be chrome or black and enough belt keepers will be used to keep the equipment snug to the pants belt.

BODY ARMOR: Soft body armor vest.

CAP: Black baseball-style hat may be worn with "Brea Police" embroidered on the front. For cold weather wear, a black beanie cap with "Police" embroidered on the front is authorized.

SWEATERDICKIE: A dark blue or black sweater dickey, or turtleneck or mock turtleneck shirt may be worn under the long sleeve uniform shirt.

PSO/PCO/JAILER CLASS C UNIFORM: The Class C uniform may be worn year round for Patrol duties at the discretion of the PSO/PCO/JAILER. The Class C uniform may be authorized for special events, such as DUI enforcement, fixed post traffic control, or parades. The authorization for Class C uniform at such events shall be at the discretion of the Supervisor overseeing such an event. The Class C uniform must be worn in its entirety and may not be combined with any other uniform.

SHORTS: Black uniform patrol shorts (cargo pocket type) with a minimum 6 1/2 inch inseam.

1. During inclement weather a Class B uniform will be worn for Patrol duties. Shorts will not be authorized for wear with a jacket or with rain gear.

2. If a Class C uniform has been authorized for wear during a special event, black uniform utility pants, i.e. 5.11 Tactical, a jacket, and uniform boots may be worn.
**Equipment Uniform and Dress Standards**

SHIRT: Polo-style cotton or synthetic blend shirt, Slate Grey, with shoulder patches will be worn with shorts.

SHOES: All black athletic shoes. No boots will be worn.

SOCKS: Black or white socks that cover the ankle. No jogger or over the calf socks will be worn with the shorts.

BELT: Black basket weave pants belt is required. All gear will be black leather or synthetic leather basket weave as described in above sections.

1032.6.3 RECORDS UNIT CLOTHING AND DRESS STANDARDS
CLASS A UNIFORM: Class A uniform will be the same as the Class B uniform, with the following exceptions:

SHIRT: French blue long sleeve shirt of wool, polyester, or combination.

PANTS: Black uniform pants of wool, polyester, or combination.

TIE: Black necktie with brushed metal tie bar

NAMETAG: A nametag shall be worn, centered directly above the right shirt pocket, retaining pins resting on top of the pocket. Nametags shall be brushed metal finish, silver with black lettering, first initial and last name. The nametag shall be 5/8” by 2 ½” in size.

GLOVES: White cloth gloves

CLASS B UNIFORM: The Class B uniform will be worn by Records personnel for all duties that do not require Class A uniform.
Equipment Uniform and Dress Standards

SHIRT (FEMALE): Short sleeve women’s grey knit polo shirt or ¾ sleeve grey twill shirt. “Brea Police Records” will be embroidered in light grey on the left chest and the employee’s name (first initial and last name) embroidered in light grey on the right chest.

SHIRT (MALE) Short sleeve men’s grey knit polo shirt or short/long sleeve button down grey men’s shirt. “Brea Police Records” will be embroidered in light grey on the left chest and the employee’s name (first initial and last name) embroidered in light grey on the right chest.

OPTIONAL: Black uniform-style cardigan sweater or jacket; black uniform jacket

PANTS: Standard military or Dockers-style black pants of cotton, polyester, or combination.

BELT: Black basket weave pants belt.

SHOES: Black plain toe Oxford shoes, uniform boots, or black tennis shoes.

SOCKS: Black socks.

1032.6.4 COMMUNICATIONS UNIT / DISPATCH
All Full Time and Part Time regular Dispatchers of the Communications Department shall maintain in good order a regulation Class A and Class B uniform. All articles of uniform shall conform to the Departmental Uniform Regulation, and only authorized items may be worn on the uniform. All Full Time and Part Time regular Dispatchers must wear their entire uniform at all times while on duty.

The Class A uniform is the appropriate uniform for formal events such as graduations, funerals, or other events when it is so designated by the Communications Supervisor, Senior Public Safety Dispatcher or other authority.

The Class B uniform or the Class C uniform will be considered the duty uniform and will be worn on all work shifts unless other direction is given.
Equipment Uniform and Dress Standards

All Dispatchers shall maintain their hair, uniform and jewelry so as to present a neat appearance. Undergarments worn under the uniform shirt shall not be visible unless it is a Black or White crew cut neckline T-Shirt.

While wearing the uniform, personnel shall at all times maintain proper attitude and demeanor, remembering that they are readily identified as a representative of the City of Brea.

CLASS A UNIFORM:
The Class A uniform shall be the same as the Class B uniform with the addition of the items listed below:

SHIRT: Black long sleeve shirt shall be worn

PANTS: Standard military type black uniform pants of wool, polyester, or combination weave are the only authorized pants for the Class A uniform.

TIE: Black crossover tie or Black tie with brushed metal tie bar.

CLASS B UNIFORM:
SHIRT: A black long or short sleeve wool, polyester, or combination weave is authorized. The shirt will have a standard military press and have sewn badge tab on the left breast and Department shoulder patches on each side. The front button panel will be of standard military tailored type. Senior Police Dispatchers have will have "Senior Dispatcher" rocker underneath the uniform shoulder patch.

PANTS: Standard military type black uniform pants of wool, polyester, or combination weave will be authorized.

1. ALTERNATE CLASS B APPAREL: 5.11 tactical woman’s PDU Class B or the 5.11 men’s Class B uniform pant (Poly/Rayon). 5.11 Men’s classic fit Dickies in black (874 work pant) and/or Women’s classic fit Dickies in black (774 work pant)
SKIRT: A Standard black uniform skirt length no more than 3" above the knees and no more than 3" below the knee may be worn in lieu of pants.

BELT: A solid black style pants belt with silver buckle is authorized.

JACKET: Either a heavy duty or lightweight black uniform or military style jacket will be authorized. Department Patches are optional.

SWEATER: Black long sleeve uniform sweater. Department Patches are optional.

BADGE: A department issue badge will be worn on the Class B uniform.

NAMETAG: A nametag shall be worn, centered directly above the right shirt pocket, retaining pins resting on top of the pocket. Nametags shall be brushed metal finish, silver with black lettering, first initial and last name. The nametag shall be 5/8" by 2 ½" in size.

SOCKS/HOSIERY: Socks or hosiery to be neutral or black in color.

SHOES: Black military type boots, plain toed oxford, black athletic shoes, and closed toe black dress shoes, not to exceed 1 ½ heel will be approved. No white markings or any another color except black will be approved. No sandals, open toe shoes, cowboy boots, or heeled boots are authorized.

MATERNITY: During pregnancy, appropriate maternity clothing is required. No tank tops sweat pants, or sandals.

CLASS C UNIFORM
The Class C uniform is the authorized uniform for Ride-a-longs.
Equipment Uniform and Dress Standards

SHIRT: Black Polo shirts in Professional, Tactical and Performance with the Brea Police Department badge embroidered on the left chest and the name (first initial and last name) embroidered in black on the right chest. Rasport Inc is the only authorized supplier for the Class C Polo.

SWEATSHIRTS: Black full or half-zip sweatshirt with Brea Police Department badge embroidered on the left chest and the name (first initial and last name) embroidered in silver/gray color on right chest.

PANTS: Standard military type black uniform pants of wool, polyester, or combination weave will be authorized.

1. ALTERNATE CLASS C APPAREL: 5.11 tactical woman's PDU Class B or the 5.11 men's Class B uniform pant (Poly/Rayon). 5.11 Men's classic fit Dickies in black (874 work pant) and/or Women's classic fit Dickies in black (774 work pant).

BELT: A solid black style pants belt with silver buckle is authorized.

JACKET: Either a heavy duty or lightweight black uniform or military style jacket will be authorized. Department Patches are optional.

SWEATER: Black long sleeve uniform sweater. Department Patches are optional.

SOCKS/HOSIERY: Socks or hosiery to be neutral or black in color.

SHOES: Black military type boots, plain toed oxford, black athletic shoes, and closed toe black dress shoes, not to exceed 1 ½ heel will be approved. No white markings or any another color except black will be approved. No sandals, open toe shoes, cowboy boots, or heeled boots are authorized.
PART-TIME INTERMITTENT (ON CALL) AND DISPATCH TRAINEE UNIFORM

All On-Call Part-Time Dispatchers and Dispatchers in training must wear the following uniform at all times while on duty:

SHIRT: Black Polo shirts in Professional, Tactical and Performance with the Brea Police Department badge embroidered on the left chest and the name (first initial and last name) embroidered in black on the right chest. Rasport Inc is the only authorized supplier for the Class B Polo/Sweatshirts.

SWEATSHIRTS: Black full or half-zip sweatshirt with Brea Police Department badge embroidered on the left chest and the name (first initial and last name) embroidered in black on right chest.

PANTS: Standard black dress pants, uniform pants, or jeans.

SHOES: Any type of athletic shoes, and closed toe dress shoes not to exceed 1 ½ heel will be approved. No sandals, open toe shoes, cowboy boots, or heeled boots are authorized.

SOCKS/HOSIERY: Socks or hosiery to be neutral or black in color.

ALTERNATE UNIFORM: Part-Time Intermittent Dispatchers who are full-time Department personnel in another classification may wear their regular duty Class B or Class C uniform.
Line-of-Duty Deaths

1032.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of the Brea 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.

1032.1.1 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.

1032.2 POLICY
It is the policy of the Brea 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.

1032.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member’s supervisor should provide all reasonably available information to the Watch Commander and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the 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.

(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).

1032.4 NOTIFYING SURVIVORS
Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member’s emergency contact information and make accommodations to respect the member’s wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member’s wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child’s age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor’s workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.
Line-of-Duty Deaths

(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 Brea Police Department members may be apprised that survivor notifications are complete.

1032.4.1 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.

1032.5 NOTIFYING DEPARTMENT MEMBERS
Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.
1032.6 LIAISONS AND COORDINATORS
The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.
(b) Hospital Liaison.
(c) Survivor Support Liaison.
(d) Critical Incident Stress Management (CISM) coordinator.
(e) Funeral Liaison.
(f) Mutual aid coordinator.
(g) Benefits Liaison.
(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1032.6.1 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.
Line-of-Duty Deaths

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 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 Brea 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.

1032.6.3 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:
**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 CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department’s Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
(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.

1032.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
Line-of-Duty Deaths

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1032.6.5 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.

1032.6.6 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 Brea Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.
1032.6.7 BENEFITS LIAISON
The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers’ compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
   1. Public Safety Officers’ Benefits (PSOB) Programs.
   2. Public Safety Officers’ Educational Assistance (PSOEA) Program.
   3. Social Security Administration.
   4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.
   1. Education benefits (Education Code § 68120)
   2. Health benefits (Labor Code § 4856)
   3. Worker’s compensation death benefit (Labor Code § 4702)

(d) Researching and assisting survivors with application for other survivor benefits such as:
   1. Private foundation survivor benefits programs.
   2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
   1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1032.6.8 FINANCE COORDINATOR
The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator’s responsibilities include, but are not limited to:
(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:
   1. Paying survivors’ travel costs if authorized.
   2. Transportation costs for the deceased.
   3. Funeral and memorial costs.
   4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member’s survivors.

(d) Providing accounting and cost information as needed.

1032.7 PUBLIC INFORMATION OFFICER
In the event of a line-of-duty death, the department’s PIO should be the department’s contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.
   1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
   2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member’s survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member’s survivors with media inquiries.
   1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member’s survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.
1032.8 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.

1032.9 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.

1032.10 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.

1032.11 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**

**VICTIM**

<table>
<thead>
<tr>
<th>Victim Type:</th>
<th>Target of Crime (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>□ Person</td>
</tr>
<tr>
<td></td>
<td>□ Other</td>
</tr>
<tr>
<td>School, business or organization</td>
<td>□ Bodily injury</td>
</tr>
<tr>
<td>Name:</td>
<td>□ Property damage</td>
</tr>
<tr>
<td>Type:</td>
<td>□ Other crime:</td>
</tr>
<tr>
<td></td>
<td>Property damage - estimated value</td>
</tr>
</tbody>
</table>

**BIAS**

<table>
<thead>
<tr>
<th>Type of Bias</th>
<th>Actual or Perceived Bias – Victim’s Statement:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□ Actual bias [Victim actually has the indicated characteristic(s)].</td>
</tr>
<tr>
<td></td>
<td>□ Perceived bias [Suspect believed victim had the indicated characteristic(s)].</td>
</tr>
<tr>
<td></td>
<td><em>If perceived, explain the circumstances in narrative portion of Report.</em></td>
</tr>
</tbody>
</table>

**Reason for Bias:**

- Do you feel you were targeted based on one of these characteristics?
  - □ Yes  □ No  *Explain in narrative portion of Report.*
- Do you know what motivated the suspect to commit this crime?
  - □ Yes  □ No  *Explain in narrative portion of Report.*
- Do you feel you were targeted because you associated yourself with an individual or a group?
  - □ Yes  □ No  *Explain in narrative portion of Report.*

**Bias Indicators (Check all that apply):**

| □ Hate speech  | □ Acts/gestures  | □ Property damage  | □ Symbol used  |
|                |                 |                    |                |
| □ Written/electronic communication  | □ Graffiti/spray paint  |                    |                |
|                |                   |                    | Other: _________ |

*Describe with exact detail in narrative portion of Report.*

**HISTORY**

<table>
<thead>
<tr>
<th>Relationship Between Suspect &amp; Victim:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspect known to victim? □ Yes □ No</td>
</tr>
<tr>
<td>Nature of relationship:</td>
</tr>
<tr>
<td>Length of relationship:</td>
</tr>
</tbody>
</table>

*If Yes, describe in narrative portion of Report*

**WEAPONS**

<table>
<thead>
<tr>
<th>Weapon(s) used during incident? □ Yes □ No</th>
<th>Type: _________</th>
</tr>
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<tbody>
<tr>
<td>Weapon(s) booked as evidence? □ Yes □ No</td>
<td></td>
</tr>
</tbody>
</table>

*Automated Firearms System (AFS) Inquiry attached to Report? □ Yes □ No*

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
### HATE CRIME CHECKLIST

**EVIDENCE**

<table>
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<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<td>Witnesses present during incident?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence collected?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photos taken?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Total # of photos: __________ D#: __________

Taken by: __________ Serial #: __________

#### Recordings:

- [ ] Video
- [ ] Audio
- [ ] Booked

#### Suspect identified:

- [ ] Field ID
- [ ] By photo
- [ ] Known to victim

**OBSERVATIONS**

#### VICTIM

- [ ] Tattoos
- [ ] Shaking
- [ ] Unresponsive
- [ ] Crying
- [ ] Scared
- [ ] Angry
- [ ] Fearful
- [ ] Calm
- [ ] Agitated
- [ ] Nervous
- [ ] Threatening
- [ ] Apologetic
- [ ] Other observations: __________

#### SUSPECT

- [ ] Tattoos
- [ ] Shaking
- [ ] Unresponsive
- [ ] Crying
- [ ] Scared
- [ ] Angry
- [ ] Fearful
- [ ] Calm
- [ ] Agitated
- [ ] Nervous
- [ ] Threatening
- [ ] Apologetic
- [ ] Other observations: __________

**ADDITIONAL QUESTIONS** (Explain all boxes marked "Yes" in narrative portion of report):

#### Has suspect ever threatened you?  □ Yes □ No

#### Has suspect ever harmed you?  □ Yes □ No

#### Does suspect possess or have access to a firearm?  □ Yes □ No

#### Are you afraid for your safety?  □ Yes □ No

#### Do you have any other information that may be helpful?  □ Yes □ No

#### Resources offered at scene:  □ Yes □ No Type: __________

**MEDICAL**

<table>
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<th>Victim</th>
<th>Suspect</th>
<th>Decision</th>
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</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>Declined medical treatment</td>
</tr>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>Will seek own medical treatment</td>
</tr>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>Received medical treatment</td>
</tr>
</tbody>
</table>

Authorization to Release Medical Information, Form 05.03.00, signed?  □ Yes □ No

#### Paramedics at scene?

- [ ] Yes □ No Unit #: __________

Name(s)/ID #: __________

Hospital: __________

Jail Dispensary: __________

Physician/Doctor: __________

Patient #: __________

Officer (Name/Rank) Date

Supervisor Approving (Name/Rank) Date

POST 05/19
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
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