

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 OFFICE OF THE CHIEF OF POLICE

The Chief of Police is responsible for the overall administration and management of the Irvine Police Department. The Office of the Chief of Police consists of the following positions:

I. Assistant Chief of Police

The Assistant Chief of Police reports directly to the Chief of Police and manages the various functions of the department, which are organized under the Administrative, Operations and Support Services Divisions.

II. Public Information Office

The Public Information Office is managed by the Public Information Officer who is responsible for the coordination of all official information released to the public, such as official statements, media information, publications, public presentations, department internet content and social media postings.

III. Administrative Services Division

200.3 DIVISIONS

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

- Administrative Services Division
- Operations Division
- Support Services Division

200.3.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by a commander, whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Division consists of the Office of Professional Development, Office of Professional Standards, Auxiliary Services, Fiscal Services, Special Projects, and Office of Emergency Management.

- **Office of Professional Development**

The Office of Professional Development is managed by a lieutenant. This office consists of the Training, Chaplains, Recruitment and Personnel Units. The Chief of Police maintains control over recruitment and hiring functions of the office.

- **Office of Professional Standards**

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The Office of Professional Standards operates under the direction of a lieutenant who manages Internal Affairs, Risk Management and Worker's Compensation. The Professional Standards lieutenant reports directly to the Chief of Police.

- **Auxiliary Services**

The Auxiliary Services Unit is managed by a Business Services Administrator and consists of Property & Evidence, Custody Operations/Contract, Technical Services, Police Facilities Maintenance, and Animal Services.

- **Fiscal Services / Budget**

Under the supervision of a Senior Management Analysis, the Fiscal Services Unit develops and manages the department operating budget, accounts, purchases, revenue and contracts.

- **Special Projects**

The Administrative Services Division Commander manages unique projects and efforts as determined by the Chief of Police, including research and planning, facilities use, and significant events.

- **Office of Emergency Management**

The Office of Emergency Management is managed by a lieutenant who provides direction and oversight for the development and implementation of the City's Emergency Management Plan and response. The programs operating under Emergency Management include the Emergency Operations Center, Orange County Mutual Aid coordination, Technical Reserves, Community Emergency Response Team (CERT), Irvine Disaster Emergency Communications (IDEC), and Homeland Security Grants.

200.3.2 OPERATIONS DIVISION

The Operations Division is commanded by a commander, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Field Services Bureau, Traffic Bureau, Honor Guard and Crime Scene Investigations.

- **Patrol Bureau**

The Patrol Bureau is managed by lieutenants who serve as Watch Commanders for specific shifts. These lieutenants provide general direction for all field services, including patrol operations, traffic enforcement, Open Space patrol, Field Training program, Directed Enforcement Team, Crime Scene Investigations, canine (K-9) officers, and Reserve Officer program.

- **Area Lieutenants**

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Designated lieutenants assigned to the Patrol Bureau serve as Area Lieutenants for each of the three (3) geographical areas of the city. The Area Lieutenants serve as a point of contact for the community and coordinate department efforts to address quality of life issues.

- **Traffic Bureau**

The Traffic Bureau is managed by a lieutenant who provides direction and oversight of traffic related operations including motorcycle enforcement, Area Traffic Officers, Special Events, Parking Enforcement, Traffic Investigations, Community Service Officers, Crossing Guards, Police Explorers and Volunteers in Policing.

- **Crime Scene Investigations**

The Crime Scene Investigations (CSI) unit is managed by a CSI supervisor who provides direction and oversight of the unit. The CSI supervisor reports directly to the assigned Operations Lieutenant.

- **Honor Guard**

The Administrative Services Division Commander manages the Honor Guard which has responsibility for representing the department at formal ceremonial and community events, including law enforcement funerals.

200.3.3 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a commander whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of the Criminal Investigations Bureau, Specialized Investigations Bureau, and the Business Services Bureau.

- **Criminal Investigations Bureau**

The Criminal Investigations Bureau is managed by a lieutenant who is responsible for overall operations in General Investigations, Victim Services, and the Crime Analysis Unit.

- **Special Investigations Bureau**

The Special Investigations Bureau is managed by a lieutenant who is responsible for overall operations of the Special Investigations Unit, Mental Health Unit and the Youth Services Unit.

- **Business Services Bureau**

The Business Services Bureau operates under the direction and control of the a Business Services Administrator, who manages Communications Unit, Front Desk Operations, Records Unit, Regulatory Affairs Unit, and the Technology Unit.

200.4 COMMAND PROTOCOL

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200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate the Assistant Chief of Police 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) Assistant Chief of Police
- (b) Designated Division Commander
- (c) Designated Lieutenant
- (d) Command Duty Officer

200.4.2 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.

200.4.3 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.

Office of Professional Standards

201.1 PURPOSE AND SCOPE

The Office of Professional Standards is responsible for handling assignments and duties of a sensitive or confidential nature. The mission of the office is to perform those duties and assignments in a professional, confidential, unbiased, and efficient manner. The duties of the Office of Professional Standards shall include the following assignments:

- (a) Internal Affairs Investigation
- (b) Risk Management Liaison
- (c) Discovery Requests
- (d) Pitchess Motions
- (e) Other Potentially Sensitive Issues
- (f) Audits and Inspections

201.2 CODE OF CONDUCT

Conduct of personnel assigned to the Office Professional Standards shall conform to the following ethical standards:

Internal Affairs Investigations: Employees of the Office of Professional Standards shall conduct internal affairs investigations in an objective, professional, and confidential manner. The goal of the internal affairs investigator shall be objective and accurate fact-finding. Unless directed otherwise by the Chief of Police or his/her staff, the Office of Professional Standards shall not be involved in the recommending of discipline in regards to its internal affairs function.

Other Special Assignments or Investigations: From time to time, the Office of Professional Standards will be called upon to complete assignments, conduct inquiries and investigations of a highly sensitive nature. Because of this need for utmost security, the Office of Professional Standards shall maintain the highest level of confidentiality, only providing information to the Chief of Police or his/her staff. All files and/or recordings of investigations or inquiries of a sensitive nature shall be maintained in a locked and secured environment within the Office of Professional Standards.

201.3 EMPLOYEE COOPERATION

All personnel of this department shall cooperate fully and shall provide complete and truthful information in any internal affairs or criminal investigation.

201.4 CONTRACTORS / CONTRACT EMPLOYEES

The rules of this manual, where relevant, including the Codes of Conduct, shall apply to those employees of any independent contractor providing services to the City of Irvine Police Department and/or its agents.

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Nothing in these sections shall be construed so as to form an employer/employee relationship between the City of Irvine and the employees of any independent contractor providing services for the City of Irvine Police Department and/or its agents.

Audits, Controls and Inspections

202.1 PURPOSE AND SCOPE

To establish a formalized process by which the systems and units of the department will conduct annual or other periodic inspections or audits to ensure compliance with established policies, procedures and orders.

202.2 DEPARTMENT-WIDE CONTROLS

- (a) Driver License – Status Checks (All Personnel): The City Human Resources Department receives automated driver license status reports from the California Department of Motor Vehicles on all city employees. Any noted deficiencies (i.e., suspensions, expirations etc.) will be forwarded to the Office of Professional Standards for correction.
- (b) Domestic Violence Firearm Restrictions/Criminal History (Police Officers): The automated Criminal History System (CHS) will notify the police department of any entry into an officer's record, which may affect his/her ability to perform the duties of a police officer. Entries such as, but not limited to, a firearm restriction resulting from a domestic violence incident or criminal behavior will be forwarded to the Department for review. The information received will be sent to the employee's Division Commander/Lieutenant and to the Office of Professional Standards. The automated reporting by the state does not absolve the employee from the requirement to notify the Department of the conduct or any court imposed restriction, immediately upon learning about it.
- (c) Computer Queries (CHS, DMV, Department Database (All Personnel)): Criminal History and Department of Motor Vehicles inquiries are currently audited annually by the Department of Justice in conjunction with the Irvine Police Department. In the event a suspicion or concern should arise in the use of the intra-department database, specific inquiries are handled on a case-by-case basis. Unresolved audit issues, in any automated system, are referred to the Office of Professional Standards.
- (d) Workplace Inspections: The Office of Professional Standards will conduct workplace inspections at a minimum of twice yearly. The inspections are documented and this documentation is retained in the Office of Professional Standards. Managers and supervisors are expected to conduct workplace inspections routinely during the course of their duties.
- (e) Petty Cash Audits: The Office of Professional Standards shall audit the petty cash funds maintained by the petty cash custodians and the funds maintained in the Watch Commander's safe at least twice per year. The petty cash funds shall be maintained in accordance with policy §354 – Cash handling, Security & Management.
- (f) Cellular/Work Station Telephones: Managers/Supervisors shall monitor and review the telephone usage by those who have phones assigned to them. Telephone bills will be sent from finance directly to the Office of Professional Standards for distribution and review by department personnel. Reimbursement to the City for personal phone calls, including text messaging, is the sole responsibility of the involved employee.

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- (g) Payroll Sheets, Overtime, and Time-Off Requests: The audit and inspection of these operations is critical for the reduction of inaccurate payroll sheets (time sheets), overtime usage, and conflicting time-off requests. The audit and inspection of overtime, payroll sheets and time off requests by Department employees is conducted on a daily basis by their immediate supervisor.
1. The supervisor or his/her designee shall complete payroll sheets using the Virtual Timecard Interface (VTI) system. Each employee shall review his/her electronic payroll sheet and then provide an electronic signature. The supervisor or his/her designee will then make a final review of the payroll sheets. The review shall be verified with the supervisor's electronic signature prior to submission to payroll. It is necessary to ensure that each payroll-related transaction is correct.
 2. Overtime requests shall be granted only with the approval of the supervisor or his/her designee. While it is normally a sergeant's responsibility to monitor his or her assigned shift, the monthly analysis of leave usage and overtime expenditures is the responsibility of the employee's commander, lieutenant, or business services administrator.
 3. Time-off requests shall be granted only with the approval of the supervisor or his/her designee. Command staff members shall be apprised of any questions or inaccuracies regarding the time sheets, overtime compensation or concerns about time off requests.
- (h) Work Schedules: The audit and inspection of the work schedule for employees of this department shall be the responsibility of their immediate supervisor. Only the supervisor or his/her designee shall make modifications or adjustments to the work schedule. The supervisor shall apprise the Division Commander/Lieutenant /Business Services Administrator of modifications to the normal work unit schedules.
- (i) Personnel Records: Annual audit of personnel background investigation and training records. This audit shall be conducted by the California Peace Officers Standards and Training (POST).

202.3 PATROL

- (a) Uniforms and Personal Equipment: The Irvine Police Department prides itself on the professionalism of its employees. Uniform and equipment inspections are necessary to ensure the standards and professional image to the public are maintained. Supervisors shall:
1. Conduct regular inspections of all field personnel uniforms and equipment.
 2. Conduct work area inspections.
- (b) Field Personnel Activities: The below listed audits and inspections are supervised by the Division Commander, lieutenants and sergeants to ensure the duties of field personnel are being conducted in accordance with department policies.
1. Work productivity: Review work product using department automated systems, such as CAD, RMS, etc.;

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2. Arrest approval: Approval on a “case-by-case” basis of arrests made by probationary officers, both lateral and entry level.
 3. MDC messages: Each employee’s supervisor should periodically review a random selection of Mobile Data Computer (MDC) messages for that employee to ensure compliance with Department policy.
- (c) Patrol Vehicles: The below listed audits and inspections are the shared responsibility of the Operations Division Commander, Operations lieutenants and sergeants. The purpose is to ensure that each vehicle in the patrol fleet, and its equipment, is being maintained to meet the needs of the department.
1. Equipment logs: It is the employee’s responsibility to report all equipment problems or malfunctions to the Technical Services Unit. The Technical Services Unit is responsible to keep a log on vehicle equipment problems.
 2. Vehicle Equipment: Ensure that employees are conducting inventories of vehicle equipment. Field Personnel using expendable supplies will contact the Technical Services Unit either in person or in writing, to arrange for replacement supplies. The Technical Services Unit is responsible for maintaining adequate levels of expendable supplies. Vehicle equipment includes safety supplies, the Mobile Data Computer, Mobile Video System, GPS system, and any other department-installed aftermarket device.
 3. Vehicle Damage Log: Closely monitor the entries and signature page of the Vehicle Damage Log. The Technical Services Unit will ensure that vehicle changeover information is reflected in the log.
- (d) Purging of Patrol Files: Purging of the patrol files shall be the responsibility of the sergeant assigned to complete the employee’s annual performance review. Before writing the review, the sergeant will check the officer’s patrol file, maintained in the Watch Commanders Office. Once the review is completed, given to and signed by the employee, all paperwork from the previous year used to prepare the review will be purged from the file and replaced by a copy of the latest review. Purged materials will be shredded.
1. In the event an employee assigned to the Field Services Division is separated from employment with the department, it is the responsibility of that employee’s supervisor to pull his/her patrol file from the Watch Commander’s Office, seal it, and then forward it to the Office of Professional Development (OPD) Lieutenant. The OPD Lieutenant shall review the employee file for relevant documents to be retained. Purged Materials shall be shredded.

202.4 CRIMINAL INVESTIGATION DIVISION

- (a) Petty Cash, Flash Money, and Asset Seizures: The maintenance of investigations petty cash is the immediate responsibility of the Criminal Investigation Division Lieutenant. The petty cash shall be maintained in accordance with policy §354 – Cash Handling, Security and Management. Any discrepancies in the petty cash bank will be immediately reported to the Office of Professional Standards. The maintenance of the “flash money” fund is the immediate responsibility of the Special Investigations

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Sergeant. Any discrepancies in the “flash money” fund will be immediately reported to the Office of Professional Standards and the Special Investigations Bureau Lieutenant or Criminal Investigation Bureau Lieutenant. The audit and inspections of “flash money” fund shall be the primary responsibility of the Office of Professional Standards. The Office of Professional Standards shall audit the “flash money” on an annual basis or whenever there is a transfer of the Special Investigations Supervisor.

1. The maintenance of the asset seizures log shall be the primary responsibility of the Special Investigations Unit Sergeant. The City’s Finance Section, in conjunction with the Office of Professional Standards shall audit the asset seizure accounts on an annual basis.
- (b) Criminal Investigation Division Vehicles: The respective Sergeant or his or her designee will conduct monthly inspection of all vehicles assigned to the various sections of the Special Investigation or Criminal Investigation Division. Reports of damage, excessive wear, or other unsafe conditions will be immediately reported to the Special Investigation or Criminal Investigation Bureau Lieutenant. The Special Investigation or Criminal Investigation Bureau Lieutenant or his or her designee shall report such conditions to the Technical Services Unit for correction.

202.5 POLICE FACILITIES MAINTENANCE

The Business Services Administrator within the Administration Bureau is responsible for the overall maintenance of the Police facility. Employees observing a problem in the building should immediately report it to the Business Services Administrator or property personnel. Emergency conditions or repairs requiring immediate attention will be reported to the Division Commander/Lieutenant, who will make the appropriate notifications. General cleaning and janitorial services are on a contractual basis with an outside company.

- (a) Public Areas: The janitorial service shall continue to clean these areas. The Business Services Administrator in conjunction with staff members from Facilities Maintenance/Public Works shall conduct random inspections of these areas to ensure proper service levels are being met.
- (b) Briefing Room: The sergeant conducting briefing is responsible for ensuring that each shift keeps the briefing room clean and orderly. When the briefing room is used for purpose other than briefing, it is the responsibility of the person conducting the function to ensure the room is clean and orderly at the end of the function.
- (c) Report Writing Area: Sergeants are responsible for daily inspections of the report writing area. Each sergeant shall check the area at the end of his or her watch to ensure the report writing area is left in a clean and orderly manner.
- (d) Locker Rooms: The janitorial service, as contracted, and at the direction of the Business Services Administrator, has the responsibility for locker room cleanliness. Sergeants shall check the locker room for cleanliness. 3/12 Sergeants will check the locker room on Sundays and the 4/10 Sergeants shall check it on Tuesdays. Department personnel are expected to keep their lockers and overhead storage bins clean and orderly.

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- (e) Refrigerators: The janitorial service, as contracted, will clean the refrigerators on the last Friday of every month. All items that remain during cleaning will be discarded.
- (f) Individual Work Areas: Individual employees are responsible for maintaining their work areas in a neat and clean condition. The janitorial service will perform general cleaning such as trash removal and vacuuming. The individual employees, using Department supplies, are responsible for maintaining the cleanliness of their own desks. Supervisors who are assigned personnel with work areas in the police facility will inspect those common areas on a regular basis.

Department managers and supervisors have the responsibility and obligation to enforce a zero tolerance harassment and discrimination policy during the course of these regular inspections.

202.6 PROPERTY

A property audit is conducted on an annual basis by the Office of Professional Standards. At least fifty items of booked property will be selected at random for inspection. Verification will be made that the item selected is in fact the same item as described and/or of the same measure as when originally booked. The associated written paperwork will be checked, as will the computer/tracking/accounting information, for completeness and accuracy. The selected items will emphasize items of high value and will include drugs/narcotics, money and firearms. A report of the findings will be forwarded to the Chief of Police for review and determination of any corrective measures.

202.7 ANIMAL SERVICES

The Office of Professional Standards shall conduct an annual audit of the inventory, distribution and use of controlled substances provided by the department-sanctioned veterinarian.

202.8 CANINE UNIT

The Office of Professional Standards shall conduct an annual audit of the inventory and use of controlled substances used for training of police canines.

Verbal Counseling Supervisor's Observations

203.1 PURPOSE AND SCOPE

Supervisors shall review employee performance on a daily basis. Supervisors may commend or provide constructive criticism to employees through the use of verbal counseling or supervisor's written observations. Positive behavior that reflects or supports the Department's core values should be documented whenever possible.

Additionally, employees demonstrating behavior contrary to our Department's core values or any provision of the Department Policy Manual can be reminded or instructed about how to improve behavior, performance or compliance with the Department Policy Manual, in a written Supervisor's Observation. Verbal counseling and/or Supervisor's Observations, even if the content addresses the need for improvement of performance, behavior or compliance are not considered discipline by the Department.

203.2 VERBAL COUNSELING PROCEDURE

All Supervisors should routinely seek opportunities to provide training and guidance to employees for the positive effect of increased knowledge, more proficient skills and adherence to the provision of the Policy Manual and Department Values. Verbal Counseling shall be considered anytime a supervisor discusses employee behavior or performance for the purpose of positively changing the behavior in the future. The first incidence of verbal counseling with a particular employee for a particular behavior or performance issue may or may not be documented in writing. However, nothing shall prohibit a supervisor from making reference to verbal counseling if the discussed behavior continues and additional efforts are needed for instruction, behavioral or performance modification as discussed below.

The involved employee's Division Commander or Division Lieutenant should be made aware of the counseling as soon as practical.

203.3 PROCEDURES FOR SUPERVISOR'S OBSERVATIONS

Any Supervisor may issue a written Supervisor's Observation. The Supervisor's Observation should be presented to the employee in a private setting, free of interruption.

- (a) Present the Supervisor's Observation document and explain its purpose.
- (b) Discuss the issue and give the employee an opportunity to thoroughly read the document.
- (c) Require the employee to sign the document. If the employee refuses to sign, note the refusal on the document.
- (d) Provide the employee a copy of the Supervisor's Observation.
- (e) The original Supervisor's Observation shall be kept in the involved employee's performance review file. A copy of the document shall also be forwarded to the employee's Area Lieutenant and/or Business Service Manager as appropriate.

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- (f) The Supervisor's Observation shall remain in an employee's performance review file until his/her next performance review at which time it shall be removed and given to the employee.

203.4 FORMAT FOR WRITTEN SUPERVISOR'S OBSERVATIONS

- (a) The Supervisor's Observation shall be written on a standard department letterhead.
- (b) The document shall be formatted as any internal memorandum, with the following exception: The phrase "SUPERVISOR'S OBSERVATION LOG" shall be typed in the subject line.
- (c) Memos addressing the need for improved performance shall only remind the employee to adhere to a particular department policy item in the future and shall be devoid of reference to any additional future action if the behavior does not improve. Since the subject performance or behavior may not involve a violation of department policy, it is not necessary that a policy violation be cited in the text. In the first example, there is a reference to a policy violation; in the second, there is no policy citation.
- (d) The last line of the memo shall state, "This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained in your employee file beyond completion of your performance evaluation for the applicable period."
- (e) A line shall be provided below the last statement for the employee's signature and date.

Probationary Employees

204.1 PROBATIONARY TERM

The probationary period is considered an integral part of the examination, recruiting, testing, and selection process during which the agency will determine whether the employee is fit for the position.

All the original and promotional appointments shall be tentative and subject to a probationary period of actual and continuous service. The probationary period for sworn personnel is eighteen (18) months. The probationary period for lateral sworn personnel is (12) months. The probationary period for a sworn supervisor position is one (1) year. The probationary period for non-sworn employees is six (6) months, with the exception of the following classifications for which the probationary period is one (1) year: Public Safety Dispatcher and Supervisor; Public Safety Assistant and Senior Forensic Specialist I/II, Civilian Investigator I/II, and Police Recruit. Periods of time on paid or unpaid leave exceeding five days (consecutive or not) shall automatically extend the probationary period by that number of days the employee is on leave.

204.2 EXTENSION OF PROBATIONARY PERIOD

Upon recommendation from the Chief of Police and the approval of the City Personnel Officer or his/her designee, the probationary period may be extended for a period not to exceed one hundred-eighty (180) days. (Article 6, Section 3, City of Irvine Personnel Rules and Procedures).

204.3 RELEASE FROM PROBATION

During the probationary period, an employee may be released at any time without cause. In cases of promotion, the employee does not acquire regular status in the new position until the successful completion of this probationary period. If the employee fails to satisfactorily complete the probationary period in the promotional position, the employee shall be entitled to return to the position held prior to promotion at the range and step held prior to promotion.

204.4 POST CERTIFICATION

As a condition of probation, all probationary officers shall be required to have successfully completed a POST certified training academy. Those officers who have training or educational backgrounds that are acceptable to POST for the Basic Certificate are excluded.

204.5 REMEDIAL TRAINING

As a condition of probation, officers may be required to attend specialized training, should it be determined that he/she is lacking in certain knowledge or skills to successfully carry out the duties as a "competent" law enforcement officer in the City of Irvine.

Probationary Employees

204.6 PROBATIONARY EMPLOYEE ARREST REPORT APPROVAL

Probationary police officers who have successfully completed the Department's field training program are required to seek the approval of an on-duty field supervisor for all custodial arrests. Except in exigent or under circumstances where a supervisor has granted that specific officer permission to make non-notification custodial arrests, the approval by a supervisor is required prior to an arrest by a probationary police officer. This requirement shall be terminated upon successful completion of the employee's probationary period.

205.6 VISITOR IDENTIFICATION

All persons entering the secured area of the department shall be required to check in and out with the front desk personnel. The front desk staff will authenticate the visitor and either escort the visitor, or contact another department employee to escort the visitor to their destinations. Visitors will be escorted at all times and visitor activity will be monitored.

The front desk staff will provide the visitor with an identification badge attached to a color-coded lanyard, which the person shall place on an outer garment. This includes utility repair and delivery personnel. Law enforcement personnel from other agencies may wear their own identification, if visible.

Visitors issued a YELLOW colored badge may go unescorted in non-restricted areas of the department. Visitors issued a RED badge should be escorted.

Ride-alongs: This visitor shall be accompanied by the "host" officer and not permitted to wander freely.

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Interns: This person is a temporary, part-time volunteer "employee" and has access to general work areas.

Visitors who are under constant personal escort by a member of the department are not required to wear a visitor badge.

Contract personnel (not employees of the City or Police Department) working in the police facility on a temporary basis will be issued a temporary identification card by the Office of Professional Development. The card will be yellow in color, have their name, picture, job description, and card expiration date. The card will be worn visibly on the outermost garment attached to a yellow lanyard. Contract personnel may be issued a restricted electronic access card, depending on need.

205.7 SECURITY CONSIDERATIONS

In order to enforce this policy and ensure a reasonable level of security, members of the department will, with just cause and due consideration, challenge anyone within the facility who does not possess proper identification. The individual will be asked to obtain proper identification before conducting any further business.

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Civic Center Facility Evacuation Plan

206.1 EMPLOYEE SAFETY

In the event of an earthquake or other natural/manmade event that causes damage to or threatens the occupants of the police facility, an assessment will be made by the ranking Irvine Police Department personnel present (Watch Commander) as to whether or not an evacuation is necessary and if so, to what extent. Should employees be directed to evacuate, they will do so in accordance with the City of Irvine Emergency Evacuation Guidelines.

Electronic Mail

207.1 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.

207.2 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.

207.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, 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.

207.4 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.

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

207.4.1 EMAIL TEMPLATES

Employees utilizing the signature or business card features at the closing of their email correspondence with the public may choose from several pre-approved templates available through the Department's Public Information Office. Employees shall not modify the signature format or add customized mottos, quotes, or tag lines without prior approval from the Public Information Office.

License to Carry a Firearm

208.1 PURPOSE AND SCOPE

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

208.1.1 APPLICATION OF POLICY

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

208.2 POLICY

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

208.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

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

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License to Carry a Firearm

208.4 APPLICATION PROCESS

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

208.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Irvine for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).
 - 1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be

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issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

208.4.2 PHASE TWO

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 1. The determination of good cause should consider the totality of circumstances in each individual case.
 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

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- (d) The applicant shall submit any firearm to be considered for a license to the armorer or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department armorer, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

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

208.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

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

208.6 ISSUED FIREARMS PERMITS

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

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

208.6.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Falsely representing him/herself as a peace officer.
 - 3. Unjustified or unreasonable displaying of a firearm.
 - 4. Committing any crime.

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5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

208.6.2 AMENDMENTS TO LICENSES

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

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

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

208.6.3 REVOCATION OF LICENSES

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

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

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

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

208.6.4 LICENSE RENEWAL

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

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

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

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

208.7 DEPARTMENT REPORTING AND RECORDS

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

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

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

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208.8 CONFIDENTIAL RECORDS

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

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

Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE

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

209.2 POLICY

It is the policy of the Irvine Police Department to provide identification cards to qualified former or retired officers as provided in this policy. Based on California state law, an Irvine Police Department retirement ID card allows a retiree, in good standing, CCW privileges within the State of California only (5-year renewal)(Penal Code §25455 and 25465). The LEOSA identification card (HR 218) allows CCW privileges outside the state of California (renewed annually).

209.2.1 QUALIFIED RETIREES

Any full-time sworn officer of this Department who was authorized to, and did, carry a concealed firearm during the course and scope of his or her employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code §26300(a).

- (a) For the purpose of this policy, "honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement.
- (b) Honorable retirement status does not apply to any officer who retires in lieu of termination.
- (c) Any officer retiring because of a psychological disability (Penal Code §26305(a)) shall not be eligible to receive a "CCW Approved" endorsement.

209.2.2 CARRYING CONCEALED WEAPONS IN CALIFORNIA UPON RETIREMENT

Upon the honorable retirement of a sworn Irvine Police Department employee, the Office of Professional Development (OPD) shall issue the employee an Irvine Police Department identification card meeting the format requirements of PC §25460(c). If the privilege to carry a concealed weapon (CCW) is authorized, the authorization is valid for five years from the date of retirement and is valid in the State of California only. In accordance with PC §25465, the card must be renewed every five (5) years to retain CCW privileges. A copy of the issued identification card noting the retirement date and expiration of the CCW authorization shall be forwarded to and retained by the Office of Professional Standards.

209.3 LEOSA (HR 218)

The Chief of Police may also issue an identification card for LEOSA purposes (CCW to a state other than California) 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

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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.

209.3.1 REQUIRED IDENTIFICATION FOR LEOSA

The LEOSA gives two options for identification.

- (a) The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer. It should also indicate the date the retiree has met qualification requirements with the same type firearm not less recently than one year before the individual is carrying the concealed firearm.
- (b) Possess a photographic identification card issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer. Additionally, a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met active duty standards for qualification to carry a firearm of the same type as the concealed firearm.

209.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C (LEOSA) 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 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.

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- (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.

209.4 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 and 25465(c)).

209.4.1 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(c)):

- (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. If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege." Penal Code § 26305 and 26325(b) and (c)

209.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

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209.4.3 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(c)(2)).

209.5 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.

209.5.1 RESPONSIBILITIES UNDER LEOSA (HR 218)

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 a criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

209.5.2 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) Remain subject to all applicable department policies and federal, state and local laws.
- (b) Not engage in conduct that compromises public safety.
- (c) Only be authorized to carry a concealed firearm approved by the Department.

209.6 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.

209.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement under Penal Code § 25470 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.

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- (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 a permanent revocation.

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- (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.

209.8 FIREARM QUALIFICATIONS FOR LEOSA (HR 218)

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

If the former officer chooses, they may qualify at a range of their choice and at their expense provided the qualification is with a certified firearms instructor that is qualified to conduct a firearms qualification test.

209.8.1 RETIRED SWORN OFFICER QUALIFICATION GUIDELINES FOR LEOSA (HR 218)

Chapter 44, 18 USC, section § 926C(c), requires the retired law enforcement officer to qualify annually and meet state standards. Since the State of California does not have a standard for firearms training and qualification, the retired sworn employee who wishes to carry their firearm outside California is required to qualify at least once every 12 months with a certified firearms instructor from a law enforcement agency or with a firearms instructor certified and licensed by the National Rifle Association (NRA). Retired sworn members can contact the Office of Professional Development (OPD) for the proper forms and to arrange to complete the qualification process.

By federal standards, retired sworn employees will be required to demonstrate their ability to:

- (a) Safely load the firearm
- (b) Safely unload the firearm
- (c) Safely check the firearm and verify that it is clear of all ammunition

The retired sworn employee will be required to qualify with the firearm by shooting the following 10-round course using a standard silhouette target:

- (a) Retiree can load and fire 5 rounds into a silhouette target at a distance of 7 yards—no time limit.
- (b) Retiree can reload and fire an additional 5 rounds into a silhouette target at a distance of 7 yards—no time limit.
- (c) At least 6 rounds fired must impact within scored portion of silhouette target.

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Upon successful completion of the range course, the retired sworn employee and the certified firearms instructor must complete the Irvine Police Department Firearms Proficiency Test for Qualified Retired Officers form. The form must be returned to OPD. Upon confirming successful completion of all requirements, OPD will issue the Irvine Police Department Retired Peace Officer's Compliance Certification card to the retired sworn employee.

Purchase of Retired Officer's Weapon

210.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the purchase and transfer of a Department-issued duty weapon to a retiring officer.

210.2 AUTHORITY

In accordance with Irvine Municipal Code §2-8-110 (D), the Irvine Police Department may, upon the honorable retirement of a peace officer after ten or more years of full-time service with the City of Irvine, authorize the conveyance of that officer's Department duty weapon to the retiring officer, or either the Irvine Police Association or the Irvine Police Management Association on behalf of and for resale to the retiring peace officer, for fair market value.

210.3 PROCEDURE

The Office of Professional Development shall coordinate the weapon retirement process:

- (a) Thirty days or more before the officer is to retire; submit the City's Agreement for Appraisal and Transfer of Police Department Duty Weapon through the chain of command.
- (b) Receive the duty weapon to be transferred from the retiring officer. Ensure that a temporary replacement weapon is issued to the employee.
- (c) Issue a Duty Weapon Purchase Application packet to the retiring officer that includes the following:
 1. Purchase of Duty Weapon letter from the Office of Professional Development (OPD);
 2. Irvine Police Department (IPD) Authorization to Transfer Retiree Duty Weapon form;
 3. City of Irvine's Agreement for Appraisal and Transfer of Police Department Duty Weapon letter, complete with all required signatures.
- (d) Deliver the firearm to be transferred, and one ammunition magazine, to the Armorer, who will affect a fair market appraisal of the firearm by a licensed firearms dealer and experienced in such appraisals.
- (e) Ensure all required fields are completed on the application, and that the weapon is logged accordingly on the Department Weapon Inventory Control System.
- (f) Within 10 days of the date that the handgun is transferred to the retiree, the name of the officer and the make, model, and serial number shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) (Penal Code §27065(c)).

Administrative Communications

211.1 PURPOSE AND SCOPE

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

211.2 MEMORANDUMS

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

211.3 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.

211.4 SURVEYS

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

Staffing Levels

212.1 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.

212.2 MINIMUM STAFFING LEVELS

Minimum staffing levels will be determined by the Assistant Chief of Police. These staffing levels will remain effective until any updates are made by the Assistant Chief.

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213.1 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.

213.2 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).

213.3 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.

213.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis.

213.4.1 TRAINING MANAGER

The Training Manager shall be the lieutenant currently assigned to the Office of Professional Development (OPD). It is the responsibility of the Training Manager to maintain, review, and update the training plan as is needed. The plan will address the following areas:

- (a) Legislative Changes
- (b) State Mandated Training
- (c) Critical Issues
- (d) Perishable Skills

213.5 TRAINING NEEDS ASSESSMENT

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

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213.5.1 MASTER TRAINING PLAN

The Training Manager maintains the Department Master Training Plan, a tiered list of training programs and classes available to both sworn and civilian personnel based upon each employee's position, specialty or task within the organization. A training plan exists for each position in the Department. For each plan, courses are tiered in three groups; Mandatory, Essential and Desirable.

- (a) Mandatory training - Training in this category is required by federal law, state law, and/or department policy. Unless otherwise noted, this training should be completed within one year of appointment to the position.
- (b) Essential training - This training has been designated by the Department as necessary for the professional development of an employee in his/her specified rank and/or task assignment.
- (c) Desirable training - Upon completion of the mandatory and essential courses, an employee may pursue additional interests in their law enforcement training. The department will make a positive effort to accommodate an individual's desired career path, with consideration for the needs of the department and anticipated employee career direction.

The Department Training Officer shall keep informed on current, relevant training opportunities of benefit to the department and its employees. The Training Officer will disseminate information regarding upcoming training courses to specialty areas when the courses address that specific specialty. It is not the Training Officer's function to solicit individuals for specific training except in areas of mandated training, as defined in the Master Training Plan.

213.6 TRAINING STAFF

The Training Manager and his/her staff will serve to assist with identifying training needs for the Department.

The training staff should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the training staff should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The training staff should convene on a regular basis as determined by the Training Manager to review the identified incidents. The staff shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

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The Training Manager will consider the recommendations of the staff and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

213.7 TRAINING PROCEDURES

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:

- (a) Court appearances
- (b) Annual vacation
- (c) Sick leave
- (d) Physical limitations preventing the employee's participation.
- (e) Emergency situations

When an employee is unable to attend mandatory training, that employee shall:

- (a) Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
- (b) Document his/her absence in a memorandum to his/her supervisor.
- (c) Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

213.7.1 DEPARTMENT PAID TRAINING REQUESTS

Employees seeking permission to attend a training opportunity should submit a completed seminar Training Request Form (TRF) and a course flyer to their immediate supervisor. Supervisors, command staff members and personnel from the Office of Professional Development will process the request in accordance with the outline below.

Training funded by the Department:

- (a) Employee's Responsibility: Complete a TRF. Submit a completed TRF to your supervisor as soon as practical to ensure enough time for approval and processing prior to the class.
 - 1. Discuss the class with your supervisor with respect to:
 - (a) Career development
 - (b) Scheduling concerns
 - 2. Notify the Court Liaison regarding the dates and location of the intended training.
 - 3. Notify the OPD Lieutenant if you have any special travel requests related to department training.
- (b) Supervisor's Responsibility:
 - 1. Deliver the TRF to the Division Commander or Division Manager.

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2. Make the notation in the schedule that the employee may be away.
- (c) Division Commander's/Manager's Responsibility:
1. Review the TRF and approve if appropriate.
 2. Identify on the TRF the account that will be used for the training.
 3. Forward the request to the Training Officer.
- (d) Training Officer's Responsibility:
1. Review the request and confirm that the class is:
 - (a) Current and relevant
 - (b) Has received generally favorable evaluations from previous attendees.
 2. Check the employee's master training record to see if he or she has been to any similar training. Report relevant findings to the Division Commander/Manager, if applicable.
- (e) OPD Training Sergeant's Responsibility:
1. Review the TRF and, if needed, confirm the budget code to be used.
 2. Forward the TRF to the OPD Lieutenant.
- (f) OPD Lieutenant's Responsibility:
1. If the training is to be held outside the State of California, forward the TRF to the Chief of Police for endorsement.
 2. Forward the TRF packet to the OPD Administrative Secretary for processing.
- (g) OPD Administrative Assistant's Responsibility:
1. Make necessary registration, travel, hotel, and/or ground transportation arrangements.
 2. Request warrants for fees.
 3. Provide a training packet to the employee.
 4. Provide OPD Lieutenant final cost totals, if applicable.
 5. Any special travel requests require OPD Lieutenant approval.

213.7.2 APPROVED REQUESTS

Approved requests for department-sponsored training will be processed by OPD staff, who will make necessary arrangements for attendance, lodging, transportation, and notification of the employee. The employee is responsible for notifying his or her immediate supervisor for staffing purposes.

213.7.3 DENIED REQUESTS

Requests that are denied during the process will be returned to the initiating employee with the appropriate comments. A copy of the denied request shall be filed with OPD.

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213.7.4 SUBMITTING AN EXPENSE REPORT

Prior to attending a department-funded training course, the employee should receive all necessary paperwork and instructions from OPD. If the employee does not receive the packet within one week of the course start date, the employee must contact OPD.

Upon completion of the training course, the employee shall submit to OPD:

- (a) A completed City of Irvine Expense Report form 22-10, signed by the employee's supervisor.
- (b) A course flyer.
- (c) A copy of the course Certificate of Completion.
- (d) Commuter trainings and conferences (including one day courses) require itemized receipts for money spent and for which reimbursement is requested. Original receipts must be taped to standard 8 ½" x 11" sheets of blank paper and submitted with the expense report. Receipts must be itemized; credit card receipts showing only the total amount will not be accepted.
 - 1. Expense reports submitted without itemized receipts generally will not be accepted. Employees should make every effort possible to obtain itemized receipts for all items, including food purchases. The Office of Professional Development may direct employees who submit expense reports without itemized receipts to contact the establishment to obtain a duplicate receipt before resubmitting the report.
 - 2. An employee who submits an expense report without itemized receipts must author a memo, directed to the Chief of Police, explaining the expenses, and the reason why no itemized receipt is available. The memorandum shall include the date of the expense, the amount and description of the expense. It is the sole discretion of the Chief of Police whether or not an expense report will be approved for processing if it is submitted without itemized receipts.
- (e) Trainings with an overnight stay do not require receipts for meal reimbursements as long as the total daily amount does not exceed the current federal per diem rate, (www.gsa.gov) for the area/county where the training is held. The employee will write on the Expense Report form, under description, "meals per diem rate", and put the federal per diem dollar rate in the "meals \$" column.
- (f) If the department has paid for hotel accommodations, the employee must submit the hotel receipt to the Office of Professional Development within five working days after the employee's return. There are no exceptions to this requirement. Employees may redact hotel bills so they don't show phone calls, items or services the employee paid for personally.
- (g) A completed City of Irvine Course Evaluation form is required for the general purpose of tracking city-wide training attendance and overall effectiveness of the program.

Following the completion of any educational course, conference, seminar, or training program, employees may be required to provide a summary of the information received to share with other employees.

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213.7.5 EMPLOYEE REIMBURSEMENT AND COMPENSATION

The reimbursement schedule will follow current City of Irvine Financial Policies and Procedures reimbursement guidelines for POST and non-POST courses.

213.7.6 OVERNIGHT ACCOMMODATION

Compensation allowances for overnight accommodation while attending a training class will vary according to the duration of the class, distance to the class site, time to travel to the class site, and pre-class authorization. The distance from the police facility to the training site shall be determined through the use of any legitimate web-based mapping program or any satellite/Global Positioning System estimate. References to the length of time to travel to the training location refers to the estimated time it will take to travel from the police facility to the training location, taking into consideration the location of the training, the time of day and the day of week the employee will be traveling to the training class. (e.g. delays caused by traffic congestion can be considered in determining the estimated "travel time.")

Mandatory/Essential Training equal to one (1) day in length:

Employees will be compensated for a hotel accommodation one night prior to the first day of training, if, using standard ground transportation, the travel time from the police facility to the training site is greater than 50 miles away or takes two hours or longer.

Mandatory/Essential Training greater than one (1) day in length:

Employees will be compensated for a hotel accommodation one night prior to the first day of training and shall be continuous until the last morning of training:

- (a) If, using standard ground transportation, travel from the police facility to the training site is greater than 50 miles or takes two hours or longer (or)
- (b) If the training is physically demanding in nature and the length of time required to the travel to and from the teaching site each day would negatively impact the training results. The Professional Development Lieutenant is responsible for determining whether or not the travel time required would negatively impact the employee.

Additional guidelines for training accommodations:

- (a) No overnight accommodations will be considered for personnel attending the Basic Post Academy. It is the new employee's personal responsibility to make living arrangements that can accommodate the rigorous academy schedule and are conducive to his or her personal success while attending the academy.
- (b) The department will provide for a non-smoking room, associated taxes/municipal levies and on-site parking fees.
- (c) For training spanning multiple work weeks, hotel accommodations generally will not be provided over the weekend unless the cost of transportation to and from the training is significantly greater than the cost of the hotel accommodation.
- (d) Nothing in this policy prohibits an employee from extending their hotel accommodations into their off-duty time at their own expense; however, arrangements with the hotel and payment must be made by the employee.

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Desirable Training equal to or less than one day in length does not qualify for overnight accommodation. Exemptions can be made at the discretion of the OPD Lieutenant.

Desirable Training greater than one day in length and either more than 50 miles away or two hours away by standard ground transportation will qualify for overnight accommodation. Hotel accommodation will be provided one night prior to the first day of training and shall be continuous until the last morning of training.

213.7.7 MILEAGE

- (a) Mileage reimbursement will be considered for the driver of any privately-owned vehicle who attends training funded or sanctioned by the Department that occurs outside the police facility. This does not include regularly scheduled SWAT training.
- (b) Employees who are permitted by the department and who choose to travel by privately-owned vehicle will receive mileage reimbursement calculated based on the location they start their commute to the training site, minus their normal miles driven from their residence to work. The mileage reimbursement rate is set by the IRS. Each year the Office of Professional Development will verify the current Standard Mileage Rates for Business, by checking the IRS's website at www.irs.gov.
- (c) Use of City-owned vehicles to attend seminars, courses and classes: Employees are encouraged to use City-owned vehicles when available to attend a seminar, school, or course, unless the training is voluntary and on the employee's own time. Employees should consult with their supervisor prior to the training date concerning the use of a City-owned vehicle for the training period.
- (d) Use of a City-owned vehicle for police academy training: Because of a specific arrangement between the department and the police academy, vehicles may be used for academy training. Vehicles will only be provided for academy training if the use does not conflict with the patrol function.

213.7.8 TRAVEL TIME AND TRAINING TIME FOR DEPARTMENT PAID TRAINING

Travel Time:

- (a) Department paid training:
 - 1. Commuter Classes:
 - (a) If the training program occurs during regularly scheduled work days and takes place at a location different from the department, employees will not be compensated traveling to and from the training location from home since such travel time is considered normal home to work travel per the FLSA.
 - (b) Travel during the workday to attend training, after the employee has reported to work, is hours worked for the City. Employees will be compensated at straight time and if the overtime threshold (see definition below) is exceeded, the training time will be compensated at the overtime rate; however, travel from the employee's last training location to home is not compensable. Supervisors should not require employees who will

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be traveling during the work day for training to report to their normal work site at the start or the end of their shift unless it is truly necessary for the employee to report to such location.

- (c) If the combination of training hours and travel exceed an employee's normal work-day hours, the employee should be compensated at the overtime rate.

2. Overnight Travel (Classes requiring travel the day prior to the start date of the class):

- (a) Overnight travel for department training will be compensated for time spent in actual transit, irrespective of the mode of travel, or whether or not the travel occurs during working hours.
- (b) Employees will be compensated at straight time and if the overtime threshold is exceeded, the training time will be compensated at the overtime premium rate.
- (c) Supervisors should schedule travel for overnight training for a day and time mutually agreed upon by the department and the employee.

(b) Training Time:

1. Department paid training (Mandatory, Essential and Desirable): Employees will be compensated for actual time spent in class during regularly scheduled work days at straight time. To the extent the training is conducted or extends into after hours, the training time will be compensated at straight time and if the overtime threshold is exceeded, the training time will be compensated at the overtime rate. An eight-hour training day will be considered equal to a ten-hour work day. However, a forty hour training class, consisting of five 8-hour days, will be considered a forty-hour work week. 3/12.5 and 4/10 sworn employees will adjust their schedules to a 5/8 for the period of the training.
2. Overtime Threshold Defined: When a sworn employee modifies his or her schedule to attend training, the employee will not be eligible for overtime since they are subject to the 28 day FLSA work period, unless the training hours exceed the overtime threshold of 80 hours in the pay period the training occurred. Non-sworn employees working the 3/12 or 4/10 schedules may also be asked to adjust their work schedules for such training. This may trigger overtime for employees on the 3/12 work schedule, if the training hours exceed the overtime threshold of 40 hours in the FLSA work period.
3. Every effort should be made by the department to schedule training to avoid unnecessary overtime.

213.7.9 PER DIEM FOR MEALS

(a) Department-paid training (Mandatory, Essential and Desirable) held at a site other than a City facility (excluding regularly scheduled SWAT training):

1. General Guidelines For All Training Courses:

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- (a) The department will not reimburse expenses associated with alcoholic beverages.
 - (b) Employees are not eligible for a per diem reimbursement for training in the Desirable category that has been paid for by the employee through professional development funds.
 - (c) Employees are not eligible for a per diem reimbursement when the training is held at any City of Irvine facility.
2. POST and Non-POST Reimbursable Training Courses:
- (a) Employees attending training that requires an overnight stay will not need to save receipts for reimbursement, if the total daily amount does not exceed the federal per diem rate for the area/county where the training is held.
 - (b) Employees attending any length of commuter training or conference (including one day courses) will be reimbursed only for lunch, with itemized receipts, up to the current federal per diem rate for the area/county where the training is held.
 - 1. An employee who submits an expense report without itemized receipts must author a memo, directed to the Chief of Police, explaining the food purchases made, and the reason why no itemized receipt is available. It is the sole discretion of the Chief of Police whether or not an expense report will be approved for processing if it is submitted without itemized receipts.
 - (c) When the trainings require an overnight stay, the employee will not need to submit receipts with the Expense Report form, as long as the total daily meal expense does not exceed the federal per diem rate for the area/county the training was held.

213.7.10 VOLUNTARY TRAINING FUNDED THROUGH THE CITY OF IRVINE PROFESSIONAL DEVELOPMENT FUNDS (NOT DEPARTMENT PAID MANDATORY, ESSENTIAL, OR DESIRABLE TRAINING)

The City of Irvine understands the value of training which employees seek on their own to better themselves both in their current jobs and for career advancement. To that end, an employee who, on his/her own initiative attends an independent school, college, or training offered through professional organizations may be eligible to be reimbursed for the cost of such coursework. In accordance with the Department of Labor regulation 29 CFR section 785.30, such training is not compensable as hours worked because the employee is indeed taking such training on his/her own initiative. However, at the discretion of a supervisor, an employee may be compensated by the department to attend a voluntary training class in lieu of his or her regular assignment, providing doing so does not result in an overtime fill for any employee.

Voluntary use of Professional Development funded training is eligible for compensation for travel accommodations per City policy. Travel accommodations include transportation, lodging, and meals.

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Employee paid training not covered by Professional Development will not be compensated for travel accommodations.

An employee requesting to use Professional Development funds for such training must submit a request to the Chief of Police or his/her designee at least 30 days prior to the training and await approval. Once notified that the training has been approved, the employee shall:

- (a) Coordinate the training schedule with immediate supervisor.
- (b) Complete and submit a TRF to the immediate supervisor which should be routed to OPD.
- (c) Notify the Court Liaison regarding the dates and location of the intended training.
- (d) Contact the training host and register for the course. Pay the tuition and other expenses as necessary. *HR will order a check to pay tuition or the OPD Administrative Assistant may pay for the tuition with her P-card if the request is received at least 30 days prior to the training.
- (e) If the employee pays for the tuition, submit the receipt for the training along with the pre-approved Professional Development Reimbursement form to Office of Chief of Police. A certificate of completion must be attached to the Professional Development form in order for the employee to be reimbursed.
- (f) Submit a copy of the certificate of attendance to OPD for inclusion in the training file.

213.7.11 TRAINING FUNDED THROUGH THE CITY OF IRVINE EDUCATIONAL REIMBURSEMENT PROGRAM

An employee who wishes to attend a training course or certificate program that is sponsored by an accredited educational institution, and for which course credits or units are granted, is eligible for reimbursement through Educational Reimbursement, providing:

- (a) The course has a direct nexus to the job duties of that employee, AND
- (b) The course credits could be applied towards a degree (AA, BA, BS, etc.), AND
- (c) The application of these funds is consistent with the employee's labor agreement, AND
- (d) The class is completed on the employee's own time.

The employee retains the ability to decide whether or not he or she will use professional development or educational reimbursement funds in instances described above.

This policy does not change the manner in which educational reimbursement funds can be utilized for employees who are pursuing actual college degrees (AA, BA, BS, MA, MPA, JD, etc.). It is recognized that employees who are pursuing college degrees or advanced degrees can be reimbursed for elective courses that are required for graduation that may not necessarily have a job nexus.

Peer Support

214.1 PURPOSE AND SCOPE

The Irvine Police Department recognizes the value of providing an “in-house” Peer Support Program for department personnel and their family to help support managing both professional and personal stress. The Peer Support Team will consist of department personnel who are trained to provide support and/or assist the employee in obtaining professional resources.

The Peer Support Team will provide assistance and support to Department personnel after traumatic incidents or events. The team will also provide support when personal or professional stress negatively affects the employee’s work performance, personal well-being, or relations with others. The team will work cooperatively with mental health professionals and will refer department personnel and family members to professional resources when needed or requested.

214.2 PSYCHOLOGICAL SERVICES

The Peer Support Team is designed to work cooperatively with the department’s contracted mental health professionals, The Counseling Team International (TCTI). TCTI should be consulted by the Peer Support Team any time there is a question regarding appropriate resources for department personnel. TCTI may be contacted 24 hours a day at 800-222-9691.

214.3 CSP CRISIS RESPONSE TEAM

The Peer Support Team will also work cooperatively with the Community Service Programs Crisis Response Team. Members of the Crisis Response Team are professional crisis counselors who work with chaplains and contracted mental health professionals to ensure the emotional well-being of law enforcement personnel during and after a critical incident.

214.4 CONFIDENTIALITY

The success of the Peer Support Program will be determined greatly by the observance of confidentiality. It is imperative that each member of the Peer Support Team maintain strict confidentiality with regard to information communicated between department personnel and the Peer Support Team member. Conversations between Peer Support Team personnel and department personnel are not privileged communications under the California Evidence Code. The department however will respect the confidentiality of conversations between Peer Support Team members and Department personnel with the following exceptions:

- (a) Information concerning the commission of a crime
- (b) The employee or a third party is a danger to themselves or others
- (c) The employee discloses acts of misconduct which would result in discipline, as set forth in the Standards of Conduct policy

Disclosures under these exceptions will be reported directly to the Program Manager, who will determine the proper course of action.

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Limitations to confidentiality, as outlined above, will be explained to department personnel prior to any official contact between Peer Support Team members and the employee. The Peer Support Team member will remind department personnel of these limitations throughout the contact, if needed. The Peer Support Team member will assist department personnel in obtaining professional resources if additional confidentiality is needed.

214.5 PEER SUPPORT TEAM STRUCTURE

The Peer Support Team shall be structured as follows:

- (a) Program Manager: A lieutenant or commander will have management oversight of the program.
- (b) Program Coordinators: Two supervisors will be Program Coordinators. The Coordinators will be selected by the Program Manager with approval of the Chief of Police or his designee. Coordinators are responsible for the day to day operations of the team, training, budget, coordination with other department supervisors, and maintaining anonymous statistical data regarding program usage. Coordinators will report directly to the Program Manager.
- (c) Team Members: Members of the Peer Support Team will be selected from department personnel. The size of the team will be determined by the Program Coordinators and Manager.

214.6 MEMBER SELECTION / RETENTION

Peer Support Team Members will be selected based on the following criteria:

- (a) Motivated by a desire to assist their fellow employees
- (b) Ability to maintain confidentiality
- (c) Possess above average communication skills
- (d) Willingness to work within the guidelines of this policy
- (e) Agree to be on-call and willing to respond at any hour to assist Department personnel and/or their families
- (f) Participation in a selection process
- (g) Off probation at time of appointment

The selection process will be determined by the Program Coordinators and Manager, and will include an interview and nominations by department personnel. Peer Support Team members should be willing to commit a minimum of two years to the program if selected.

The Peer Support Team is not considered a Specialty Assignment under the Memorandum of Understanding (MOU). Participation in this program is considered a non-compensated collateral duty assignment and team members may be removed at any time. Grounds for removal include, but are not limited to:

- (a) Failure to maintain confidentiality

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- (b) Failure to attend assigned training or meetings
- (c) Conflict of interest between the employee's duty assignment and participation in the program

214.7 ROLE OF PEER SUPPORT TEAM MEMBERS

Peer Support Team members provide support and assistance in times of stress and crisis. The responsibilities of a Peer Support Team member are as follows:

- (a) Convey trust and anonymity and assure confidentiality within this policy to Department personnel that seek assistance from the program.
- (b) Respond at any hour to assist Department personnel and/or their families following a critical incident.
- (c) Respond to Department personnel's request for peer support or assistance.
- (d) Attend assigned training and scheduled meetings.
- (e) Act as a liaison between department personnel and mental health resources.
- (f) Be available to department personnel for additional follow-up support.
- (g) Maintain contact with the program Coordinator regarding program activities.

214.8 TRAINING

Newly selected Peer Support Team members will receive the following training:

- (a) Basic Peer Support
- (b) Basic Critical Incident Stress Management
- (c) Prevention and Recognition of Depression and Suicide

Peer Support Team members will receive semi-annual training in the following areas:

- (a) Effective listening
- (b) Critical incident stress management
- (c) Debriefing and defusing techniques
- (d) Post-traumatic stress
- (e) Problem-solving skills
- (f) Relationship termination
- (g) Grief and loss
- (h) Assessment skills
- (i) Referral follow-up

214.9 ACCESSING PEER SUPPORT

The Peer Support Team is available 24 hours a day, seven days a week to all Department personnel. There are Peer Support Team brochures available throughout the station and

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substation. Department personnel may contact a member of the team in person, by phone, or by email.

214.10 CRITICAL INCIDENT RESPONSE

The Peer Support Team is intended to be a resource available to department personnel during and/or after a critical incident. These incidents include, but are not limited to:

- (a) Officer-involved shootings
- (b) Incidents involving an employee's death or serious injury
- (c) Incidents involving the death or serious injury to a child
- (d) Response or involvement in a mass casualty incident
- (e) Any incident likely to trigger an emotional response from the employee and/or affect the employee's ability to perform their duties in the future
- (f) Any other incident deemed appropriate by the on-duty manager or field supervisor

In the event of a critical incident, on-duty manager or field supervisor should contact one of the Peer Support Team Coordinators. If the coordinators are unavailable then the Peer Support Manager should be contacted. The on duty manager or field supervisor should provide the Coordinator with a synopsis of the event and the number of involved employees. The Coordinator will determine how many Peer Support Team members are needed and will coordinate the team's response. The Coordinator will also contact the CSP Crisis Response Team Coordinator or The Counseling Team International if needed.

On-duty Peer Support Team members may be utilized if they are not directly involved in the event and they are not needed for field duties. Peer Support Team members should contact the on-duty manager or field supervisor prior to contacting involved employees. The on duty manager or field supervisor should brief the Peer Support Team member(s) on the event and identify the involved employees.

All employees involved in the incident will be given the opportunity to meet with members of the Peer Support Team; however, employees may decline assistance. In instances where the employee does not wish to speak with members of the Peer Support Team, the team members will ask the employee if they would like to speak with the Department Chaplain, a member of the CSP Crisis Response Team (CRT), or a licensed mental health professional from The Counseling Team International (TCTI). The Peer Support Team member will help facilitate contact with the Chaplain, CRT member, or TCTI if requested.

Department personnel that are involved in a critical incident will be given the opportunity to identify a specific member of the Peer Support Team that they would like to respond on their behalf.

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214.11 OVERTIME COMPENSATION

Peer Support Team members are entitled to overtime compensation as set forth in the team member's applicable Memorandum of Understanding (MOU) when engaged in peer support activities.

Members of the Peer Support Team are encouraged to meet with department personnel seeking assistance while on duty, if possible. Approval to meet with an employee while off-duty must be approved by one of the Peer Support Coordinators or any member of command staff.

In the event a Peer Support Team member is called in to assist after a critical incident, that team member is entitled to receive overtime compensation.

Chaplains

215.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Irvine Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

215.2 POLICY

The Irvine Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

215.3 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.

215.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Irvine 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.

215.4.1 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.

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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.

215.5 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 Irvine Police Department identification cards, which must be carried at all times while on duty. The identification cards will be the standard Irvine 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.

215.6 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 Administrative Services 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.

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- (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.

215.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations 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 Irvine Police Department.

215.7.1 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.

215.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains shall be permitted to ride with officers during any shift and observe Irvine Police Department operations, provided the watch commander has been notified and has approved the activity.
- (b) In responding to incidents, a chaplain shall never function as an officer.
- (c) 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.
- (d) Chaplains shall serve only within the jurisdiction of the Irvine Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (e) 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.

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215.7.3 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.

215.7.4 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.

215.7.5 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.
- (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.

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215.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

215.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Irvine 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 Irvine Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

215.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

Psychological Services

216.1 PURPOSE

There are times when Department employees will be involved in traumatic situations and these events may cause post-traumatic stress. Post-traumatic stress is a normal reaction to a highly stressful or terrifying event. Symptoms may include fear, anxiety, flashbacks, insomnia, nightmares, and uncontrollable thoughts about the event. The Department recognizes that early intervention by trained counseling professionals can serve to mitigate the symptoms of post-traumatic stress and contribute to the positive mental health of employees.

The purpose of this policy is to promote the well-being of all employees by establishing procedures for the utilization of the Department-recognized counseling professionals.

216.2 COUNSELING SERVICE

The Counseling Team International (TCTI) is a contracted mental health provider for employees of the Irvine Police Department. Department employees may contact TCTI at 800-222-9691 to receive voluntary counseling services free of charge (up to 10 sessions). Counseling sessions are confidential between the employee and the treating therapist. The Department will not receive notification that the employee is being treated and information obtained by the therapist will not be disclosed to anyone without the consent of the employee. Limitations to confidentiality, including mandated reporting laws, should be discussed with the therapist prior to treatment.

In the aftermath of a critical incident or traumatic event, Department supervisors and managers shall provide the number for TCTI to employees when needed or requested. Employees should also be provided with additional resources, including access to members of the Department's Peer Support Team (IPD Policy 214) and/or Department chaplains (IPD Policy 215).

Emergency Operations Plan

217.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations 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).

217.2 ACTIVATING THE EMERGENCY PLAN

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

217.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Irvine 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.

217.3 LOCATION OF THE PLAN

The Emergency Operations Plan is available in the storage cupboard in the Emergency Operations Center (EOC) and the watch commander's office. All supervisors should familiarize themselves with the Emergency Operations Plan. The Emergency Management Administrator should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

217.4 UPDATING OF MANUALS

The Chief of Police or designee (Emergency Management Administrator) shall conduct an informal review the Emergency Management Plan Manual at least once every two years and a formal review every five 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.

Standardized Emergency Management System (SEMS) / National Incident Management System (NIMS) / Incident Command System (ICS) / Emergency Operations Center (EOC) Activation

218.1 PURPOSE AND SCOPE

The Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) are designed to provide a comprehensive approach to incident management that is applicable to all jurisdictional levels and across functional disciplines. Both of these systems use the Incident Command System (ICS) as a key component.

218.2 HISTORY AND DESCRIPTION

As a result of lessons learned from the Loma Prieta Earthquake in 1989 and problems identified in operations at the Oakland Hills Fire in 1991, the State of California enacted SEMS (California Government Code §8607). SEMS contains several systems as part of its framework for responding to and managing emergencies involving multiple jurisdictions or multiple agency response. Most significant of these systems is the ICS. The use of SEMS is required for State disaster assistance.

On February 28, 2003, President Bush issued Homeland Security Presidential Directive 5 (HSPD-5). HSPD-5 directed the Secretary of Homeland Security to develop and administer NIMS. NIMS provides a consistent nationwide template that enables all government, private sector, and non-governmental organizations to work together during domestic incidents. The components of NIMS are similar and complimentary to the SEMS components. NIMS has as a key component the use of ICS. The use of NIMS is required for Federal disaster assistance.

ICS is a standardized on-scene emergency management system designed for meeting the demands of a small or large emergency or non-emergency situation. It represents best practices and has become the standard for emergency management across the country. It can be expanded or contracted to meet the needs of the incident and it may be used for planned events, natural disasters, and acts of terrorism.

218.3 TRAINING

It is the policy of the Irvine Police Department to be fully compliant with the SEMS and NIMS training requirements as established by the State of California as well as the Federal Government.

218.4 SYSTEM ACTIVATION PROTOCOL

Both SEMS and NIMS have been formally adopted as standards for incident management in the City of Irvine. Use of ICS is required during any multi-jurisdictional and/or multi-functional (i.e. law and fire) incident that could potentially become a local, state, or federal disaster. The use of ICS

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is encouraged whenever it will assist in the orderly and professional management of personnel and resources during a planned or unplanned event.

The materials necessary to implement ICS (vests, forms, checklists, etc.) are located in the Emergency Operations Center, Mobile Communications Vehicle, and Mobile Command Post Vehicle.

218.5 EOC ACTIVATION

The City of Irvine Emergency Operations Center (EOC) is located adjacent to the Irvine Police Department's Communications Bureau. Instructions for assembling the EOC are located in a binder on the wall as you enter the room. Should the primary EOC become uninhabitable, an alternate EOC is located at the Operations Support Facility on Oak Canyon.

The EOC's purpose is to coordinate the overall City response and support for an emergency event. There are three levels of EOC activation:

1. Level III – Monitoring (Decentralized Coordination and Direction)
 - (a) A minor to moderate incident characterized by adequate local response capability and sufficient resources to favorably resolve the situation. A local emergency may or may not be proclaimed. The EOC will be staffed minimally and activities will typically be limited to information gathering and very few requests coming in from the field or Department Operation Centers (DOC).
2. Level II - Partial Activation (Centralized Coordination and Decentralized Direction)
 - (a) A moderate to severe emergency characterized by a possible need for mutual aid to ensure a favorable resolution of the situation. In most cases, a local emergency will be proclaimed. A State of Emergency may be proclaimed by the Governor. Activation of the EOC may occur. Activation of one or more DOCs may occur. EOC is staffed with a Section Chief for each of the five sections. Additional positions will be staffed based upon the needs of the incident.
3. Level I – Full Activation (Centralized Coordination and Direction)
 - (a) A major disaster exemplified by depletion of resources and mutual aid response capability area wide, necessitating extensive Statewide and Federal assistance. Generally, a local emergency and state of emergency will be proclaimed. A Presidential Declaration of major disaster or emergency will likely be requested. EOC is staffed with all pre-identified positions and possibly more; as driven by the needs of the incident.

Pursuant to the City of Irvine Operations Plan, the decision to activate the EOC lies with the City Manager or other designees including: Assistant City Manager, Chief of Police, Director of Public Works, Police Watch Commander, and Emergency Management Administrator.

If it becomes necessary to activate the EOC, the City of Irvine Emergency Management Team will be recalled to assist with the necessary set-up. If these staff members are not readily available, the Police Watch Commander may designate any appropriate staff to set-up the EOC based on the procedures set forth in the EOC set-up binder.

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218.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this Department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code §100106).

CAL-OSHA Reporting Requirements

219.1 PURPOSE AND SCOPE

The purpose of this policy is to articulate the requirements and procedures for notifying Cal/OSHA when field personnel respond to a call that would necessitate such notifications.

219.2 POLICY

This policy contains California Occupational Safety and Health Division (Cal/OSHA) Reporting Requirements.

219.3 SERIOUS ILLNESS, INJURY OR DEATH REPORTING

California Code of Regulations Title 8 section §342(b) requires that whenever a state, county, or local fire or police agency is called to an accident involving an employee in which a serious injury, illness, or death occurs as the result of his/her employment or at his/her place of employment, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.

Title 8 section §342(a) defines “immediately” as not longer than 8 hours after knowledge of the incident becomes known.

Title 8 section §330(h) defines “serious injury or illness” as: “any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section §385 of the Penal Code, or an accident on a public street or highway.”

219.4 NOTIFICATION RESPONSIBILITY

While the Orange County Fire Authority often makes this notification, it shall be the responsibility of the field supervisor responding to an accident involving the serious injury, illness, or death of an employee as a result of his/her employment or at his/her place of employment, to ensure that the Cal/OSHA district office in Santa Ana is notified. This office is located at:

200 East McFadden Avenue, Suite 122
Santa Ana, CA. 92705
(714) 558-4451

If a field supervisor does not respond to an accident as articulated above, it shall be the responsibility of the police officer or other field personnel on scene to notify the field supervisor of the accident and the nature of the injury. It shall then be the field supervisor’s responsibility to ensure notification is made pursuant to this procedure.

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CAL-OSHA Reporting Requirements

219.5 PERMANENT AMUSEMENT RIDES

Cal/OSHA Division of Occupational Safety and Health (DOSH) regulates the installation and safe operation of permanent amusement rides in the State of California.

219.5 ACCIDENT RESPONSE AND NOTIFICATION

California Code of Regulations Title 8 section §344.15(a) requires the operator of a permanent amusement ride to immediately report or cause to be reported to the Cal/OSHA Division of Occupational Safety and Health (DOSH) division's Ride and Tramway Unit office each known accident where maintenance, operation, or use of the permanent amusement ride results in a death or serious injury to any person unless the injury does not require medical service other than ordinary first aid.

California Code of Regulations Title 8 section §344.15(c) requires that whenever a state, county, or local fire or police agency is called to an accident involving a permanent amusement ride covered by this Article where the death of a patron or a patron injury requiring medical service other than first aid has occurred, the Ride and Tramway Unit of the Division shall be notified by telephone immediately by the responding agency.

219.6 NOTIFICATION INFORMATION

When making a report to Cal/OSHA, be prepared to give as much of the following information as possible (§8 CCR 342 (c)):

1. Time and date of accident
2. Employer's name, address and telephone number
3. Name and job title, or badge number of person reporting the accident
4. Address of site of accident or event
5. Name of person to contact at site of accident
6. Name and address of injured employee(s)
7. Nature of injury
8. Location where injured employee(s) was (were) moved to
9. List and identity of other law enforcement agencies present at the site of accident
10. Description of accident and whether the accident scene or instrumentality has been altered

Orange County Great Park Balloon

220.1 PURPOSE AND SCOPE

The purpose of this policy is to articulate the requirements and procedures for field personnel responding to calls for service involving the Orange County Great Park Balloon.

220.2 BALLOON OPERATION

The Orange County Great Park Balloon is a tethered, helium balloon. It is maintained and operated by Aerophile, a French company that specializes in tethered helium balloon rides. The pilots involved in the flight and recovery of the balloon are FAA certified pilots employed by Aerophile.

Information for contacting the Orange County Great Park Balloon pilots is contained in the Orange County Great Park information pages on the department intranet, in dispatch, and with the Park Safety Officers.

220.3 REGULATING AGENCY

The Federal Aviation Administration oversees the operation of the Orange County Great Park Balloon.

220.4 AIRCRAFT RESPONSE AND NOTIFICATION

Any reports involving the Orange County Great Park Balloon, including, but not limited to, accidents, crashes, injuries to passengers or crew requiring medical attention more than ordinary first aid, maintenance problems, and/or operational problems, shall be faxed to the Principal Operations Inspector at (562) 420-6765 as soon as is practical after the incident.

The Balloon is also considered by the State of California as a "Permanent Amusement Ride" (CCR Title 8, section 344.15 (c)). As such, any injury requiring medical attention beyond basic first aid shall be immediately reported to OSHA/Ride and Tramway Unit at (714) 567-7211.

220.5 SUPERVISOR'S RESPONSIBILITIES

It shall be the responsibility of the field supervisor responding to an incident at the Orange County Great Park Balloon to ensure notification is made pursuant to this policy.

If a field supervisor does not respond to an accident as articulated above, it shall be the responsibility of the police officer or other field personnel on scene to notify the field supervisor of the accident and the nature of the injury. It shall then be the field supervisor's responsibility to ensure notification is made pursuant to this procedure.

Supervisors will also ensure that all notifications are made in accordance with the Major Incident Notification Protocol policy.

Public Safety Partnership Award

221.1 PURPOSE AND SCOPE

The Public Safety Partnership Award provides a collaborative opportunity for the Irvine Police Department and Irvine Rotary Club to formally honor and recognize an individual who has distinguished him/herself by taking exemplary action to save a life, render aid, provide comfort to a victim or assist a member of the Irvine Police Department in a significant manner or circumstance. This program encourages each department employee to identify and acknowledge a member of the community, business employee or visitor who has, through deliberate action, performed a public service that exceeds the standard expectation of civilian involvement.

The procedure below identifies the process and general criteria used to recognize an individual. The decision to present a Public Safety Partnership Award rests solely with the Irvine Police Department.

221.2 PROCEDURE

The Public Safety Partnership Award is presented periodically by the Irvine Police Department and Irvine Rotary Club. The action of a potential recipient may be directly witnessed by a Department employee or circumstantially discovered. Examples of exemplary action include, but are not limited to the following:

- (a) Providing direct assistance at a vehicle collision scene or compromised structure in a manner that prevents further injury, or further significant damage that may lead to loss of life; or performing lifesaving measures.
- (b) Administering first aid or comfort to an injured, ill, choking victim or to a wandering person.
- (c) Taking unsolicited, timely and deliberate action to locate or identify a suspect, victim or witness who may not have been identified without the individual's involvement.
- (d) Provide significant assistance or render critical aid to a member of the Irvine Police Department.
- (e) Reporting a significant public safety incident and/or providing key information leading to the resolution of a criminal event.
- (f) Exhibiting exceptional courage and bravery without regard to personal safety or risk when faced with a dangerous or significant situation or incident.

Department Employee Involvement: Employees of the Irvine Police Department are encouraged to notify their supervisor of an exemplary action taken by a civilian. If deemed worthy, the employee may be asked to prepare a brief written summary of the event. It is permissible to identify more than one deserving individual from a single event.

Community Recognition Program

222.1 PURPOSE AND SCOPE

The Community Recognition Program provides an opportunity for Irvine Police Department employees to honor citizens in Irvine who have distinguished themselves in circumstances that involve public safety service. This program encourages each department employee to seek out and identify community members who have, through deliberate action, performed a public service that exceeds the standard expectation of citizen involvement. Through the presentation of a Community Recognition Coin, that employee can acknowledge the citizen's extraordinary action on behalf of the Department.

All field personnel, sworn and civilian, will be issued a Department Community Recognition Coin along with a community recognition card. The procedure below identifies the process for the presentation of the coins. Any member of the department may recognize a member of the community. The decision to present a recognition coin to a citizen rests solely with the department member.

222.2 PROCEDURE

Citizen action may be directly witnessed by the department employee or discovered circumstantially. Examples of exemplary action include:

- (a) Providing needed traffic control at an accident scene to prevent further injury or damage
- (b) Administering first aid to an injured person
- (c) Taking unsolicited, timely and deliberate action to locate or identify a suspect, victim or witness who would have likely not been identified without the citizen involvement

The positive impact of the coin award is enhanced when it is presented as soon as practical after the event has stabilized or concluded. The employee shall also complete the community recognition card, which will provide the department with documentation of the award. Blank cards are available from the Administrative Secretary assigned to the Assistant Chief of Police. A current home or work address and telephone number is needed on the card for future contact.

Completed cards shall be placed in the Community Recognition Bin, located on the counter in the office of the Assistant Chief's Administrative Secretary. The card will be processed and then forwarded to the Assistant Chief. A copy of the card will be forwarded to the Chief of Police and the Department's Press Information Officer.

It is possible to identify more than one deserving citizen from a single event. Should the need for community coins exceed the supply on hand, the employee should prepare a community recognition card for each intended recipient, with a notation on the card of each citizen who did not receive a coin. The Administrative Secretary to the Assistant Chief will coordinate the presentation of the remaining coins.

Cardio Optimum Performance Survey

223.1 POLICY

Cardio Optimum Performance Survey

223.2 PURPOSE OF THE PROGRAM

In accordance with the Memorandum of Understanding between the Irvine Police Association (IPA) and the City of Irvine (City), dated January 1995 - June 1998, a Cardiovascular Optimum Performance Survey (COPS) program has been developed.

IPA employees over the age of 40 will have the option to participate in a "Cardiovascular Performance Survey" once every two (2) years. The program will be carried out by HOAG Executive Health.

223.3 PROGRAM ADMINISTRATION

The program will be administered by Public Safety under the direction of the Administrative Services Division. The diagnostic cardiovascular program will consist of:

- (a) Health History
- (b) Blood Pressure
- (c) Body Fat Analysis
- (d) Smoking Cessation (Support Program - Optional)
- (e) Blood Panel to Identify Risk Factors
- (f) Nutritional Workshops - Spouse included
- (g) Stress Reduction Classes
- (h) Treadmill Stress Test
- (i) Cardiovascular Exercise Program

All components of the evaluation process will be off-site under the direct supervision of a HOAG Executive Health board-certified cardiologist. All studies will be performed without cost to IPA members in the over 40 age group.

Members under 40 years of age may use professional development funds to also participate in the medical evaluation. Only \$500.00 of professional development funds may be used toward the cost of the evaluation. The employee would be responsible for the balance to HOAG.

223.4 NOTIFICATION AND SCHEDULING

The cardiovascular evaluations are to be conducted on "City" time. IPA members will have the ability to flex their working schedules to facilitate completion of the evaluation, pending supervisor approval.

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It will be the member's responsibility to schedule all components of the evaluation package with assistance from the HOAG Executive Health Center. Based on the program contract with HOAG, the evaluation must be completed by December 31.

223.5 CONFIDENTIALITY

To preserve the integrity of the Cardiovascular Optimum Performance Survey, the guarantee of confidentiality of medical information (derived as a result of the medical studies) will become a part of the agreement for services between HOAG Executive Health and the City.

It is understood and agreed upon that the results of these surveys are strictly confidential and are protected under the doctor-patient privilege. The Department and the City do not have the right to obtain the results of the surveys - or to use the cardiovascular surveys to inquire into the physical fitness of the employee to perform his/her job. Any disclosure of results of the surveys shall be done by the affected employee only.

If the IPA member wishes to have the COPS medical information released to the City of Irvine or the Public Safety Department, a signed medical release form must be provided to the HOAG Executive Health Center - with a copy to Public Safety Administration.

Department Use of Social Media

224.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

224.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information on social networking services.

224.2 POLICY

The Irvine Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

224.3 AUTHORIZED USERS

Only members authorized by the Chief of Police, Communications Manager, Public Information Officer or authorized designee may utilize social media on behalf of the Department. A Social Media Team is in place to provide content, which must be approved by a manager.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the Social Media Team and/or the member's chain of command.

224.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted. Content must adhere to the City of Irvine's Social Media Policy. Hiding or deleting comments is only

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permitted at the direction of the Chief of Police or his designee (i.e., Communications Manager or member of Executive Command Staff).

Examples of appropriate content include:

- (a) Announcements
- (b) Tips and information related to crime prevention
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information
- (f) Traffic information
- (g) Press releases
- (h) Recruitment of personnel

224.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Press Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

224.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Irvine Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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Department Use of Social Media

224.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

224.6 MONITORING CONTENT

The Public Information Officer (PIO) will review the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

224.7 RETENTION OF RECORDS

The Support Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

224.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Employee Speech, Expression and Social Networking

225.1 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.

225.1.1 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.

225.2 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 Irvine 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.

225.3 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 Irvine 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:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

225.4 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 Irvine 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 Irvine Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Irvine 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 Irvine 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.

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- (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 Irvine 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).

225.4.1 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 Irvine Police Department or identify themselves in any way that could be reasonably perceived as representing the Irvine 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 Irvine 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

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

225.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace, Instagram, Snapchat) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, issued cellular phones, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. 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).

225.6 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.

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- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

225.7 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.

Discriminatory Harassment

226.1 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.

226.2 POLICY

The Irvine 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.

226.3 DEFINITIONS

Definitions related to this policy include:

226.3.1 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 the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department 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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226.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

226.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

226.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

226.4 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 law enforcement 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 his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources or the City Manager.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

226.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensuring that his/her 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 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.

226.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

226.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the 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).

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226.5 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.

226.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

226.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Resources or the City Manager.

226.5.3 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 they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

226.6 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:

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- Approved by the Chief of Police, the City Manager or the Director of Human Resources, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

226.6.1 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.

226.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

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.

226.7.1 STATE-REQUIRED TRAINING

The Training Manager 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 Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

226.7.2 TRAINING RECORDS

The Training Manager 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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226.8 WORKING CONDITIONS

The Administrative Services 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).

226.9 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).

Personnel Complaints

227.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Irvine 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.

227.2 POLICY

The Irvine 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.

227.3 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.

227.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the watch commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Office of Professional Standards, depending on the seriousness and complexity of the investigation.

Suspended - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Office of Professional Standards, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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227.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (c) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (d) Tort claims and lawsuits may generate a personnel complaint.

227.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

227.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility.

227.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

227.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

227.5 DOCUMENTATION

Supervisors shall encourage the complainant to complete a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints should also be documented in Blue Team and routed to the affected lieutenant and commander.

227.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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227.6.1 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.

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 and entry is made into Blue Team.
 - (a) The original complaint form will be directed to the Office of Professional Standards and the Blue Team entry will be routed to the affected lieutenant and commander
 - (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 member's lieutenant, 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 within 24 hours of the department receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution in Blue Team and forward the entry to the affected lieutenant and commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the watch commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the watch commander 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 lieutenant and commander who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

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2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
 - (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.

227.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Standards, 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 Irvine 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.
 - (a) 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, and implications).
 - (b) 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

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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.
- (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).

227.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Complaint- Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Background - Provide a brief summary of the facts giving rise to the investigation.

Investigation- List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation.

Findings - A separate recommendation finding should be provided for each allegation.

Discussion- A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

227.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred, but the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the member.

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Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

227.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

227.6.6 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.

227.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

227.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

227.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department,

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the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

227.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Irvine Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

227.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police. The Chief of Police may accept or modify any classification or recommendation for disciplinary action and/or return the file for further investigation or action.

227.10.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Office of Professional Standards for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. With some exceptions, written notice shall

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be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within seven days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Within 30 days of the decision, the Chief of Police shall provide a written notice to the member including the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

227.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

227.10.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

227.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

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- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

227.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

227.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

227.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

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227.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Grievance Procedure

228.1 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 verbal communication between employees and supervisors.

228.1.1 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 alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Policy.

228.2 PROCEDURE

If an employee believes he or she has a grievance as defined above, then that employee shall observe the procedures as outlined in their respective MOU.

228.3 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.

Anti-Retaliation

229.1 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.

229.2 POLICY

The Irvine 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.

229.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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229.4 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.

229.5 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.

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229.6 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.

229.7 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 Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

229.7.1 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).

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229.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

229.9 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

230.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The department shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The department shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

230.2 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.

230.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

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230.4 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 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.

230.5 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.

Nepotism and Conflicting Relationships

231.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

231.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

231.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

231.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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231.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Brady Material Disclosure

232.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

232.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Irvine Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

232.2 POLICY

The Irvine 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 Irvine 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.

232.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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Brady Material Disclosure

232.4 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.

232.5 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.

232.6 TRAINING

Department members should receive periodic training on the requirements of this policy.