

Chapter 3 - General Operations

Operational Responsibilities

300.1 PURPOSE AND SCOPE

Communications within the Irvine Police Department shall generally flow throughout the chain of command for the sake of consistency and uniformity. Sergeants and other supervisory personnel shall keep command staff informed of significant events related to department operations.

300.2 POLICY

Supervisory personnel are expected to reinforce the concept of the "Chain of Command" with subordinate personnel. There are occasions when subordinates (at any level) will seek out supervisors for a favorable response or opinion. Supervisors are expected to direct the employee to his or her immediate supervisor or approach that supervisor on behalf of the employee.

300.3 WATCH COMMANDER

The "watch commander" is generally responsible for overall department patrol operations. The watch commander will typically be one of the on-duty Operations Lieutenant(s) or command staff member, but may be delegated to an on-duty patrol sergeant if an Operations Lieutenant is unavailable or not assigned. Personnel serving a watch commander assignment shall be responsible for:

- (a) General supervision of active police operations and facility operations
- (b) Security of the Civic Center Complex
- (c) Approval of all arrest reports submitted during the shift
- (d) Receiving and processing of citizen complaints
- (e) Affecting the Command Notification Protocol
- (f) Oversight of the custody facility
- (g) Coordination and management of major field incidents

300.4 POLICE OPERATIONS COMMANDER

The Police Operations Commander shall:

- (a) Provide full-time attention to crime and quality of life issues in the assigned geographic areas.
- (b) Identify crime trends and sprees, and coordinating the appropriate resources to effectively address these issues.
- (c) Attend community events and meetings as a representative of the Police Department.
- (d) Work in conjunction with the other division commanders and the Assistant Chief to ensure consistent application of policies and procedures that transcend the geographic areas.
- (e) Provide direct supervision of Operations Lieutenants.

Irvine Police Department

Policies

Operational Responsibilities

- (f) Communicate with the Assistant Chief regarding significant events.
- (g) Handle personnel complaints as appropriate and in accordance with department policy.
- (h) In the absence of an Operations Lieutenant, serve as the on-duty Command Duty Officer. In this capacity:
 - 1. Be available to on-duty supervisors for guidance and support
 - 2. Answer the watch commander's line when able
 - 3. Monitor field activity and make proper notifications regarding significant events
 - 4. Serve as incident commander for significant field operations

300.5 LIEUTENANT

Lieutenants have a vital role in the daily management and oversight of all department operations. Personnel assigned to these positions:

- (a) Report to the appropriate Division Commander, but may take direction from the other Division Commanders, on issues related to their specific areas of responsibility.
- (b) Exercise functional responsibility for the overall public safety operation during their shift, unless relieved by a Division Commander, the Assistant Chief or Chief of Police. In addition, each will have responsibilities for specific division operations functions.
- (c) Will, in conjunction with the Division Commanders and/or Assistant Chief, develop selective enforcement and task-force approaches to key problem areas.
- (d) Are responsible for the management of specific field services shifts as assigned, although the lieutenant's shifts may not correspond to a standard patrol shift. Operations Lieutenants work schedules that are coordinated to maximize the management of the patrol shifts during the 24/7 operation.
- (e) Serve as the watch commander during their shift. When unavailable for a period of time, the lieutenant will delegate the watch commander responsibility to the patrol sergeants. Once notified by the lieutenant, the shift sergeants will share this responsibility until relieved by the lieutenant or other command level officer.
- (f) Will closely monitor the performance of field sergeants during their shift. They will ensure the sergeants provide quality briefings, training and conduct periodic uniform and equipment inspections.
- (g) Will work in the field and maintain familiarity with changes in the city's topography and population demographics.
- (h) Will review and provide input in supervisory matters of the sergeants on their shifts and their subordinates. In the event a sergeant issues a supervisor's observation of a positive or negative nature to a subordinate, the Operations Lieutenant who was on-duty at the time of the related incident will review the supervisor's observation. The lieutenant will make relevant notations on the document, citing agreement or disagreement with the content, and then forward the document to the Division

Irvine Police Department

Policies

Operational Responsibilities

Commander of the affected employee (see related procedure – Verbal Counseling & Supervisors' Observations).

- (i) Will review and approve reports. They will continually monitor field activities, calls for service and pending calls. Each has the responsibility to ensure that sergeants adequately review written police reports and that reports are written when necessary.
- (j) In addition to the general responsibilities above, each of the Operations Lieutenants shall have specific responsibilities as assigned.
- (k) Participate in patrol briefings when available.
- (l) Serve as a department liaison to other municipal departments within the City, community organizations and events, and outside government organizations.

300.6 FIELD SUPERVISOR (SERGEANT)

Field supervisors are expected to provide direct first line supervision of all field personnel by shift and/or Area. Field sergeants are accountable to their assigned Operations Lieutenants and to on-duty command staff members.

Sergeants should provide daily training for their personnel both during briefing and in the field. Sergeants will periodically include police officers in training by assigning topics for officers to research and present. Regular inspections of personnel, equipment, and vehicles shall also be performed.

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will facilitate the briefing session; however officers may facilitate all or part of the session for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Brief officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notify officers of changes in schedules and assignments.
- (c) Notify personnel of changes in department policy.
- (d) Review recent incidents for training purposes.
- (e) Provide training on a variety of subjects, including department policy.

The supervisor conducting briefing is responsible for preparation of the materials necessary for a constructive and dynamic briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

Field sergeants are expected to provide direct field supervision. Field Sergeants should not remain at the police facility longer than necessary to complete a task or assignment. They are expected to follow-up on calls, monitor the performance of field personnel, and provide remedial training in a timely fashion when appropriate.

Irvine Police Department

Policies

Operational Responsibilities

Sergeants are expected to provide written documentation regarding both positive and negative employee performance when appropriate. Each sergeant is responsible for the thoroughness, accuracy, and objectivity of each personnel evaluation and supervisor's observation that he/she generates.

Sergeants shall submit all written supervisor's observations to the employee's lieutenant (depending on the employee's assignment) for evaluation and review. A completed copy of any supervisor's observation shall also be forwarded to the Division Commander.

Sergeants shall not, through expression or implication, emphasize a minimum productivity standard or "quota" of arrests, citations, or other like enforcement activities. Sergeants should ensure that each employee's performance reflects a balance between enforcement and service consistent with the agency's mission, vision and values.

Sergeants are expected to mirror the philosophies of the administration and to serve as a conduit between management and line personnel. In that context, sergeants are expected to provide constructive input regarding department operations to command staff, using the chain of command.

Sergeants shall be proficient in each of the assignments identified below. These supervisory tasks will be distributed evenly among all sergeants on each shift. In addition to these assignments, field sergeants are also responsible to:

- (a) Perform periodic inspections
- (b) Provide accurate and timely training
- (c) Develop in-service training
- (d) Approve officers' reports in the field and/or station
- (e) Survey the police vehicle fleet for cleanliness and serviceability
- (f) Purge outdated material on briefing boards
- (g) Handle shift scheduling and requests for time off
- (h) Maintain the appearance of the briefing, report writing, and locker rooms
- (i) Assess each arrest situation for adherence to codified law, department philosophy and agency procedures
- (j) Supervise field operations, tactical response to critical incidents, and any outside agency assist
- (k) Ensure proper command staff notifications are made, consistent with the Major Incident Notification policy
- (l) Make periodic safety and security checks of the civic center complex

Assignment	Description
------------	-------------

Irvine Police Department

Policies

Operational Responsibilities

Scheduling Sergeant	Each shift will assign a primary scheduling sergeant. Where shifts overlap, it will be imperative that the scheduling sergeant crosscheck each shift to ensure minimum coverage is met. Further, the scheduling sergeant will monitor the vacation and personal leave accruals of all officers on his/her shift to ensure that they do not exceed department guidelines. Each scheduling sergeant shall also serve as the shift's buyback coordinator. (See 3/12 Patrol Shift Buyback Procedure)
Timecards	Each sergeant shall be responsible for the proper and timely completion of his/her personnel's timecards.
Performance Evaluations	Sergeants are responsible for providing an accurate, constructive performance assessment for each employee they supervise. Sergeants are assigned the responsibility of preparing, presenting and submitting employee performance evaluations as needed. The sergeant/assessor shall solicit input from other department supervisors and command staff. Other supervisors with relevant knowledge or information about an employee's performance shall relay that information to the sergeant/assessor.
Supervisor's Written Observations	Positive and negative attributes of each officer should be documented through the use of the supervisor's written observations.

300.7 ACTING FIELD SUPERVISOR

Field Training Officers will occasionally be called upon to assume a leadership role in field operations in the event a field supervisor is not available. The selection of an acting field supervisor will be made at the shift sergeant's discretion and will be made in consideration of the employee's experience level and leadership abilities. If an acting field supervisor is employed, the following protocol is in effect:

- (a) The acting supervisor will be designated a Sam radio call sign (Sam 40 through Sam 49 are reserved for acting field supervisors). The shift sergeant will determine the appropriate call sign.
- (b) The shift sergeant is responsible for ensuring that communications personnel and field personnel are aware of the reassignment and that the acting supervisor is reflected as a Sam unit in the CAD system.
- (c) The acting field supervisor will not be responsible for a beat assignment nor will he or she be responsible for routine service calls. Further, the acting supervisor will have the authority and responsibilities of a field supervisor for the duration of the assignment.

Irvine Police Department

Policies

Operational Responsibilities

300.8 SPECIALTY ASSIGNMENT AND NON-SWORN SUPERVISOR

Supervisors, both sworn and non-sworn, working in specialty assignments or station-based units shall ensure employees are compliant with the provisions of this policy manual. Further, it is the responsibility of these supervisors to ensure their employees' performance is, at all times, consistent with the Department's mission, vision, and values.

300.9 POLICE OFFICER

Each police officer is directly responsible to the field supervisor in his or her area and on his/her shift. Officers are expected to perform their duties with consideration given to local, state, and federal laws, department policies and, at all times, consistent with the department's mission, vision, and values. Officers will be evaluated based upon the overall quality of their work product.

Officer Response to Calls

301.1 PURPOSE AND SCOPE

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

301.2 RESPONSE TO CALLS

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

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

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

301.3.1 NUMBER OF UNITS ASSIGNED

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

301.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Bureau. Should another officer believe a Code-3 response is appropriate, the Communications Bureau shall be notified and the watch commander or field

Irvine Police Department

Policies

Officer Response to Calls

supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

301.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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

301.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response in the following situations:

- (a) When requested by a member of the department;
- (b) To assist an endangered officer;
- (c) Injury traffic collisions;
- (d) Any crime in progress, where serious bodily injury has been committed or threatened, or shots have been fired;
- (e) Medical aid calls for service, where it is reasonable to believe a person's life may be endangered;
- (f) Any other type of call where human life is threatened with serious injury or death.

The dispatcher shall:

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

Motorcycle officers should not be assigned Code-3 responses, unless other units are not available. Only one police vehicle will be dispatched Code-3 to the scene of an emergency except when authorized by the supervisor on duty.

Irvine Police Department

Policies

Officer Response to Calls

Civilian personnel assigned to the field shall not respond to any call for service Code-3.

301.7 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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

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

301.8 FAILURE OF EMERGENCY EQUIPMENT

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

Report Preparation

302.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution.

302.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

- (a) Reports will be completed during the shift and not held until end of watch. Field supervisors will survey personnel for completed reports periodically throughout the watch and review each report when it is submitted. Officers should remain in the field while completing reports unless it is absolutely necessary to return to the police facility.
- (b) It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to "Hold" a report before going off-duty. Officers desiring to "Hold" a report before going off-duty shall adhere to the following policies:
 - 1. Officers shall complete the face page of any report they have approval to "Hold" before going off-duty.
 - 2. Officers wishing to "Hold" a report before they go off-duty shall obtain their supervisor's approval and add the approving supervisor's name in the notes section of the report.
 - 3. A "Hold" will not be approved for arrest reports when suspects are booked at Orange County Jail. Officers shall ensure such reports are completed and approved by a supervisor before an officer's end of watch.

Irvine Police Department

Policies

Report Preparation

4. Personnel working the last shift of their work week must submit all completed reports by the end of their shift. Reports shall not be held over the officer's days off.
- (c) When conducting field investigations involving outstanding known suspects, or requiring urgent follow-up (not amounting to a detective call-out) officers shall ensure his or her direct supervisor and the appropriate detective personnel have been apprised of the case prior to the officer's end of watch. Reports of this nature shall be completed and approved prior to the officer's end of watch.
- (d) Reports shall be completed prior to an officer's end of watch in all instances where a field investigation leads to a detective call-out. The Detective Sergeant responsible for the investigation associated with the investigation shall determine whether it is appropriate for a field sergeant to approve the report, or if the report will be forwarded to Investigations for approval.
- (e) Reports shall be prepared legibly and reasonably free of grammar, punctuation, and spelling errors.
 1. If the report is not prepared legibly, or there are grammar, punctuation, and spelling errors, the supervisor will require the officer to promptly correct the report.
 2. Officers who choose to dictate their reports by any means shall use appropriate grammar and punctuation in their dictation as content is not the responsibility of the transcriptionist.
- (f) Officers have several options for completing their reports:
 1. The preferred method for completing and submitting reports is through the use of the on-line report system.
 2. Officers can choose to type their narrative on a computer or dictate their narrative through the department-approved dictation service.
 3. Certain county, state, and federal forms may require handwriting. In these cases the forms should be completed legibly.

302.1.2 CONTACT INFORMATION FOR FOLLOW-UP INVESTIGATION

Critical to any continuing investigation is the availability of complete and accurate contact information for each person listed in the report. Without this valuable data in the initial report, detectives cannot reach victims, witnesses and others with information needed to successfully resolve the case. It is, therefore, expected that Department employees who prepare initial reports of incidents or crimes will include the information, below:

- (a) Home and work addresses
- (b) Telephone numbers
- (c) Cell phone numbers
- (d) E-mail addresses
- (e) Occupation – if unemployed, ask for prior occupation;

Report Preparation

- (f) School, if a student

If the requested information is not available, not applicable, or refused, then state this on the report by using terms “None”, “N/A”, or “Refused”, in the space where that particular information should be.

302.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

302.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Adult Abuse Policy
 - 5. Hate Crimes Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report can be documented using the department-approved alternative reporting method (e.g., dispatch log).

302.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (d) Found property or found evidence
- (e) Traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

Irvine Police Department

Policies

Report Preparation

- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) Suspicious incidents that may place the public or others at risk
- (h) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

302.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

302.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

302.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

302.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

Report Preparation

302.3 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the officer with the necessary corrections noted on the report. If the report writing program was used to complete the report, the supervisor should "Add [a] Note" to the report explaining the necessary corrections. The supervisor should then return the report to the reporting officer as soon as is practical. It shall be the responsibility of the reporting officer to ensure that any report returned to the Records Bureau for correction is corrected and re-submitted for approval in a timely manner. The supervisor shall place a notice of correction in the officers patrol file noting the correction.

302.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution should not be modified or altered except by way of a supplemental report. Minor formatting corrections may be made by Records Bureau personnel when necessary. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Major Incident Notification

303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

303.2 POLICY

The Irvine Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed. It shall be the policy of the Irvine Police Department to ensure proper notification and communication occur between field personnel and command personnel as to evolving incidents affecting police operations.

303.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media shows a strong interest are also of interest to the Chief of Police and the affected Division Commander. A Command Officer is any officer at the rank of lieutenant or above. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive; any significant incident that affects Department operations may qualify for a command level notification:

- Cases involving injury or death to a police officer or other City employee
- Arrests where the individual arrested has received a significant injury (limb dislocations, loss of consciousness, broken bones) or is hospitalized as a result of a custodial arrest
- Department personnel involved in traffic accidents causing injury to any party
- Major crimes or incidents involving serious injury, death or significant loss (homicide, assault with a deadly weapon, robbery, rape, death investigations and any crime or incident involving persons of public significance)
- Traffic accidents resulting in significant injury, death, or potential city liability
- SWAT call-outs
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of an Irvine official
- Arrest of a department employee or prominent Irvine official
- Aircraft crash
- In-custody deaths

Irvine Police Department

Policies

Major Incident Notification

- Significant non-official contacts with outside law enforcement personnel (e.g. arrests, suspected of criminal activity, victims of significant crimes and any other circumstances that might warrant contact of an outside law enforcement agency)
- Contacts by members of this Department with any elected official, member of the City Manager's office, or department director concerning an arrest, complaint, call for service, or any other concern regarding police operations
- Acts of terrorism or significant threats of terrorism
- Community-sensitive issues
- Significant arrests made by Irvine police officers at any location or significant arrests made by outside agencies within Irvine
- Police pursuits involving Irvine police officers at any location and any police pursuits within Irvine by outside agencies
- Activities involving mutual aid of outside agencies (e.g. helicopters, K-9, bomb squad, crime lab, narcotics, Musick Jail escapes, etc.), or where Irvine police officers respond to a request for mutual aid by another police agency
- Significant internal affairs matters
- Any incident in which an officer of this Department takes any official police action, identifying him or herself as a peace officer while off duty
- Any matter in which the supervisor reasonably deems necessary based on sensitivity, public reaction, or need for coordination
- Activation of the Emergency Telephone Notification System (I Alert)
- Response to structure or brush fires, suspected arson fires, and vehicle fires with injuries
- Hate crimes and hate incidents
- Arrest of a school employee

303.4 WATCH COMMANDER RESPONSIBILITY

The watch commander or acting watch commander/sergeant is responsible for making the appropriate verbal notification to the Command-duty officer. The watch commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The watch commander shall attempt to make the notifications as soon as practicable. See attached: [Command Notification Protocol](#)

303.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, it shall be the responsibility of the involved Command Officer to determine if the Chief, Assistant Chief and/or other appropriate personnel should be notified. Notification is considered complete only when the person to be notified has acknowledged.

Irvine Police Department

Policies

Major Incident Notification

303.4.2 NOTIFICATION OF CITY MANAGER, ASSISTANT CITY MANAGERS

If contact and notification is made by way of direct verbal communication with the Chief of Police or Assistant Chief of Police, he or she will assume the responsibility to notify either the City Manager or Assistant City Manager, or delegate notification as appropriate.

If direct verbal contact is not achieved with the Chief of Police or designated Command Officer, it shall be the responsibility of the highest-ranking on-duty officer to contact and notify the City Manager or the Assistant City Manager of the major case and/or unusual police activity.

303.4.3 DETECTIVE NOTIFICATION

If the incident requires that a detective respond it shall be the on-duty supervisor's responsibility to direct the notification of the on-call Criminal Investigation Division (CID) Supervisor when an incident requires investigator/detective involvement.

303.4.4 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

303.4.5 NOTIFICATION OF TRAFFIC ENGINEER

It shall be the on-scene supervisor's responsibility to direct notification of the City Traffic Engineer in all cases involving traffic accident fatalities or potential fatalities as soon as possible after the accident.

303.4.6 PRESS INFORMATION OFFICER (PIO)

The Press Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Private Persons Arrests

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

304.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

304.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

304.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

Irvine Police Department

Policies

Private Persons Arrests

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b) (1). The officer must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

304.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Death Investigation

305.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

305.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

305.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

Irvine Police Department

Policies

Death Investigation

- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

305.2.2 OFFICER RESPONSIBILITIES

Death investigation cases require certain actions be taken:

- (a) Summon the Orange County Fire Authority in all suspected death cases, unless the death is obvious (decapitation, decomposition, etc.)
- (b) Secure and preserve the scene
- (c) Notify a supervisor
- (d) Notify the Coroner as soon as practical
- (e) Call a crime scene investigator; if one is not available, ensure photographs are taken
- (f) Prepare a complete report of the incident, which shall be approved prior to going off duty

305.2.3 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of a death investigation and ensure the appropriate actions are taken, including:

- (a) Appropriate resources are requested to assist as necessary.
- (b) Ensure any potential crime scene is protected as needed, including secondary scenes such as at the hospital where the deceased is transported.
- (c) Ensure the Coroner is notified by the handling officer on scene as soon as practical.
- (d) Notification to the appropriate Area Detective Sergeant as needed for call-outs.
- (e) Notification of command staff in accordance with the Major Incident Notifications policy.
- (f) Review and approve any related reports.

Irvine Police Department

Policies

Death Investigation

In some cases where the death is clearly of natural causes, such as a hospice case, a supervisor does not need to respond. Contact with with the officer and an explanation of the circumstances can suffice for the supervisor notification.

305.2.4 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

305.2.5 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

305.2.6 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

305.2.7 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

305.2.8 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

305.2.9 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately

Irvine Police Department

Policies

Death Investigation

or as soon as practicable with all pertinent information (8 CCR 342(b)). Our local Cal/OSHA District Office is in Santa Ana:

(714) 558-4451

Outside Agency Warrant Service

306.1 PURPOSE AND SCOPE

From time to time, outside federal, state or local law enforcement agencies serve search or arrest warrants within the City of Irvine. This procedure outlines our responsibilities when we are notified that any agency plans to execute such warrants in the City of Irvine.

306.2 SUPERVISOR RESPONSIBILITIES

Generally, whenever an outside agency is serving a search or arrest warrant in the City of Irvine, a field supervisor should be present in order to ensure we are providing the proper support to the agency and that we are in a position to mitigate any potential community impact.

The field supervisor shall contact the person in charge of the warrant service and inquire about the nature of the warrant, number of personnel involved, expected duration of the warrant service, and other pertinent information that may be of interest to on-duty personnel or other on or off-duty command personnel. In addition, the field supervisor should conduct an in-house records check of the location and any known suspects associated with the warrant. Based on the unique circumstances of the warrant service, the supervisor may offer support in gathering and providing additional intelligence helpful to the outside agency serving the warrant.

It is not expected that the responding field supervisor be present with the outside agency when entry is made. Once the supervisor has made contact and gathered the needed information, it is permissible that the supervisor take a position a safe distance away from the actual target residence. Once entry has been made and the situation has been deemed to be safe, the supervisor, at his or her discretion, may leave or remain at the scene. The supervisor may also remain at the scene after entry has been made if requested to do so by the agency serving the warrant.

306.3 NOTIFICATIONS

A Command Staff page shall be sent as soon as practical. At minimum, the body of the message should include the agency serving the warrant, the crime for which the warrant has been issued, the address, the time the warrant is expected to be executed and the name of the Irvine Police supervisor at the scene. The field supervisor will also be responsible for ensuring a Mobile Data Computer (MDC) message is sent to on-duty personnel with relevant information about the warrant service.

306.4 PATROL OFFICER RESPONSIBILITIES

During the course of area patrols, if an officer becomes aware of an outside agency in Irvine who has, or intends to serve a warrant, the officer shall contact a field supervisor.

Irvine Police Department

Policies

Outside Agency Warrant Service

306.5 COMMUNICATION DIVISION RESPONSIBILITIES

Any Communications employee who is notified that an outside agency will be serving a warrant in Irvine shall make every effort to learn what agency is serving the warrant, the crime for which the warrant has been issued, the address of the warrant, the person in charge of the warrant service, a contact phone number, number of personnel present, an approximate time that entry is planned, and any other pertinent information. Communications personnel should also inform the outside agency representative that a field supervisor will be inquiring further. Communications personnel shall then notify an on-duty supervisor.

Outside Agency Assistance

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

307.2 POLICY

It is the policy of the Irvine Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

307.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the watch commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When an authorized employee of an outside agency requests the assistance of this Department in taking a person into custody in our jurisdiction, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for law enforcement assistance in our jurisdiction, that officer shall notify a supervisor.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

307.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Irvine Police Department shall notify his/her supervisor or the watch commander and Communications Bureau as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

307.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

Outside Agency Assistance

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

307.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report may be documented in an incident case report as directed by the watch commander.

307.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Communications Bureau and the watch commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Irvine Police Department
Policies

Outside Agency Assistance

Irvine Police Department
Policies

Outside Agency Assistance

Irvine Police Department

Policies

Outside Agency Assistance

307.8 MUTUAL AID PLAN

The Orange County Chiefs' of Police and Sheriff's Association maintains a Mutual Aid Plan. This plan defines different types of emergencies, and when and how mutual aid is requested and coordinated. Overall, its intent is to provide a guide for Orange County agencies for the request and management of countywide resources during local emergencies.

Mutual Aid Defined: The voluntary sharing of personnel and resources when an agency cannot sufficiently deploy its own resources to respond to an unusual occurrence.

Local Emergency Defined: The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage or earthquake.

The Police Chief is responsible for determining that available resources in the affected jurisdiction have been reasonably depleted and that an emergency situation in the affected jurisdiction may become or is already beyond the control of that department's resources.

The Chief of Police may request mutual aid prior to the formal declaration of emergency or activation of an EOC. A request for mutual aid is not dependent on a formal declaration of a local emergency.

In response to a request for law enforcement mutual aid by a Chief of Police within the Operational Area (Orange County), the Sheriff will implement procedures to activate the mutual aid plan. The Sheriff will coordinate the response of law enforcement resources, including law enforcement resources of unaffected operational area municipalities, the local CHP, and other law enforcement agencies within the Operational Area to assist the affected local Chief of Police in the manner requested.

307.9 GEOGRAPHIC AREA ORGANIZATION

Orange County is organized into five geographical areas (UASI regions) to define, coordinate and balance law enforcement response during mutual aid conditions. Geographic area organization is intended to provide continuity of government operations emergency situations so as not to deplete any one, singular, county law enforcement resource.

Irvine is a part of Area D, which also includes Costa Mesa, Newport Beach, Laguna Beach and U.C. Irvine. Irvine is designated as the coordinating agency for this area. Coordinating agencies will coordinate notification and response requests with law enforcement agencies within their geographic area. Coordination includes notification of impending personnel and resource requests as well as ensuring personnel status reports (ICS 204 – Assignment List) are transmitted to the Operational Area Coordinator at the Orange County Sheriff's Department.

Irvine Police Department

Policies

Outside Agency Assistance

307.10 STATUTORY JURISDICTION AND LEGAL AUTHORITY - UNIVERSITY OF CALIFORNIA, IRVINE

The actions of this department in reference to U.C. Irvine, U.C. Irvine property, and the U.C. Irvine Police Department shall be consistent with the provisions of the existing M.O.U. between the Irvine Police Department and the U.C. Irvine Police Department.

307.10.1 ASSISTANCE POLICY

Normally, officers of either department (Irvine police department and UCI) will assist in the jurisdiction of the other upon request or upon the observed need.

For all preplanned events, such as protests or demonstrations, prior coordination between command level officers at both departments is required before assisting in such events.

For unplanned critical incidents, such as major crimes, the U.C. Irvine Police Department may request our assistance. In these instances, the Irvine Police Department may elect to assist U.C. Irvine Police, or assume control of the investigation, as mutually agreed upon by Irvine Police and U.C. Irvine Police.

When an officer from one department is confronted with an emergency service need in the operational jurisdiction of the other department, which, in the officer's judgment, requires immediate action, he will take the necessary action and notify the other agency as soon as possible.

An assisting officer shall not take any action or participate in any activity in conflict with a policy or regulation of his or her own department.

307.10.2 ANIMAL SERVICES

The Animal Services Division of the City of Irvine is the primary service provider to the University of California, Irvine. This coverage includes handling any animal-related incidents that take place on the campus.

This coverage is limited to the university property, which is located within the Irvine City limits. It does not include any state or university property which is located outside the city limits.

Animal Services Officers will not conduct routine patrol of the university property. They will respond only when a request for service has been made by the University.

307.11 CONCURRENT JURISDICTION - IRVINE VALLEY COLLEGE

An agreement, or Memorandum of Understanding (MOU), exists between the Irvine Police Department and the Irvine Valley College (IVC) Police Department. Pursuant to California Education Code §§67381 and 72330, and Penal Code §830.32, this agreement outlines the crime reporting and criminal investigation responsibilities relating to incidents that occur on the Irvine Valley College property. Action taken by any member of this Department relative to jurisdictional issues and criminal activity shall conform to the provisions of this policy and the MOU.

Irvine Police Department

Policies

Outside Agency Assistance

307.11.1 IVC POLICE DEPARTMENT REPORTING & INVESTIGATIVE RESPONSIBILITIES

The IVC Police Department is responsible for the initial report and any needed follow-up investigation related to the following crimes:

- (a) Grand theft and petty theft
- (b) Vehicle burglary and theft from a vehicle
- (c) Vandalism
- (d) Disturbing the peace
- (e) Non-domestic violence-related restraining orders
- (f) Alcohol possession
- (g) Trespassing
- (h) All infraction and misdemeanor-related Health and Safety Code violations
- (i) Other infractions and low-grade misdemeanors
- (j) Non-injury traffic collisions or collisions not involving serious injury

The Irvine Valley College Police will be responsible for all investigative follow-up related to initial crime reports they take. At the request of the Chief of Irvine Valley College Police or his designee, however, Irvine Valley College Police may occasionally call upon the assistance of the Irvine Police Department for investigative follow-up.

Copies of all reports completed by the Irvine Valley College Police Department shall be forwarded to the Irvine Police Records Bureau for informational purposes within three days from the date the crime was reported.

The Chief of Irvine Valley College Police Department or his designee shall notify an Irvine Police Supervisor of any incidents occurring on the IVC Campus that require immediate attention or action of the Irvine Police Department.

307.11.2 IRVINE POLICE DEPARTMENT REPORTING & INVESTIGATIVE RESPONSIBILITIES

The Irvine Police will be responsible for the initial report and any needed follow-up investigation related to the following crimes:

- (a) All Part I violent felonies, including:
 - 1. Homicide
 - 2. Robbery
 - 3. Kidnapping
 - 4. Rape
- (b) Other sex crimes
- (c) Felony assaults – all assaults involving a firearm or great bodily injury
- (d) Brandishing or possessing a firearm or other deadly weapon

Irvine Police Department

Policies

Outside Agency Assistance

- (e) Domestic violence related incidents
- (f) Felony drug offenses
- (g) Crimes against children
- (h) Traffic collisions involving serious injury or death
- (i) Driving under the influence of drugs or alcohol
- (j) Other crimes likely linked to a crime series in the City of Irvine
- (k) Auto Theft
- (l) Missing person cases
- (m) Other felonies

Officers responsible for documenting a crime or incident that occurred on the IVC campus shall take the report as a "courtesy report". The reporting officer will check all appropriate boxes on the report form that identify the report as a courtesy report.

Notwithstanding the foregoing, when any Irvine Police Officer witnesses an incident on the IVC campus and initiates an investigation or creates a report, all aspects of the law enforcement response to the incident and follow-up investigation will be handled by the Irvine Police Department. Copies of all reports of the incident that are generated will be forwarded to the Chief of Irvine Valley College Police for informational purposes.

Upon request, the Irvine Police Department will make available to Irvine Valley College Police at least once annually, and not more than once quarterly, statistical data on criminal activity that was reported on or adjacent to the immediate surrounding area of the Irvine Valley College campus. This data will be used for the specific purpose of complying with the Student Right-To-Know and Campus Security Act of 1990 (Public Law 101-542).

307.11.3 DISPOSITION OF EVIDENCE

Irvine Valley College Police will collect and store physical evidence in those cases for which they assume responsibility. They will also store and dispose of all found property and other items that come to their attention and require police involvement. Upon request of the IVC Police Chief and approval from the Irvine Police Chief or his designee, evidence requiring special storage (such as refrigeration or freezing) may be stored at the Irvine Police Department.

307.11.4 POLICE RADIO COMMUNICATIONS BETWEEN AGENCIES

Police radios used by IVC Police Officers are configured for open two-way communication with Irvine Police personnel on the IPD Green-1 talk group. Orange County Communications (Control One) has designated IVC Police Department as Station 38. While IVC Police personnel are permitted to monitor the IPD Green-1 at any time, sworn on-duty IVC personnel are only authorized to communicate with IPD personnel using Green-1:

- (a) To call for assistance during emergency incidents involving the threat of life or great bodily injury.

Irvine Police Department

Policies

Outside Agency Assistance

- (b) To call for assistance during felony in-progress crimes, such as a felony assault or occupied stolen vehicle.
- (c) To coordinate with IPD units during the establishment of a perimeter to contain or prevent escape of a suspect.
- (d) To test the radio equipment and assess mutual assistance capabilities between agencies, with the knowledge and permission of the IPD watch commander.

307.11.5 PROCESSING AND TRANSPORTING ARRESTEES

IPD personnel will transport and process all in-custody arrestees from Irvine Valley College. In cases of crimes reported to and documented by Irvine Valley College Police, any resulting arrest reports will be delivered to the Irvine Police Department Court Liaison Officer for submission to the Orange County District Attorney's Office as part of a court package. It is the responsibility of Irvine Valley College to follow through on cases submitted to the District Attorney's Office. The Irvine Police Department will not be responsible for lost arrest reports submitted by campus police, nor will the Irvine Police Department have the responsibility to review arrest reports submitted by Irvine Valley College.

307.12 CIVIL UNREST / FIRE ESCORTS

The Orange County Chiefs of Police and Sheriff's Association (OCCPSA) and the California Highway Patrol Border Division Command (CHP) established an understanding concerning patrol escorts for fire department strike teams during periods of civil unrest in Region 1 when the circumstances require police escorts.

The decision to commit fire resources during an incident of civil unrest is entirely the responsibility of the fire agencies as determined by Mutual Aid agreements; the policies and procedures of the fire agencies, and the decisions of fire department executives. So too, it is understood by the Orange County Fire Chiefs that the decision to commit police personnel to fire agencies responding in areas of civil unrest will be the sole responsibility of the responsible police agency chief as determined by, and in accordance with, existing mutual aid agreements, mutual assist agreements, and the policies and procedures of the involved police departments. The primary enforcement agency (the law enforcement agency with jurisdiction where the civil disturbance is taking place) will determine what police resources will be needed to protect fire personnel.

Assistance may be requested from other Orange County law enforcement agencies to augment the primary enforcement agency's ability to provide patrol escorts. At any point during the crisis, the primary enforcement agency may ask the Orange County Sheriff, the Operational Area Coordinator for Law Enforcement Mutual Aid, for assistance. If the Orange County Sheriff cannot provide adequate resources, the Sheriff will immediately notify the CHP of the primary enforcement agency's request for assistance. The CHP will then assess its ability to commit resources, and respond accordingly.

The law enforcement Incident Command System will be utilized to establish effective communication channels and coordination of effort. The escort missions will cease when there is a concurrence among the involved agencies that escorts are no longer required.

Irvine Police Department
Policies

Outside Agency Assistance

Bias-Based Policing

308.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Irvine Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

308.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

308.2 POLICY

The Irvine Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

308.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

308.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

Bias-Based Policing

308.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

308.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

308.4.2 REPORTING OF STOPS

Beginning January 1, 2022, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop report. The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

308.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review MVS recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

Irvine Police Department

Policies

Bias-Based Policing

308.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Office of Professional Standards Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

308.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Office of Professional Development.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

Search and Seizure

309.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Irvine Police Department personnel to consider when dealing with search and seizure issues.

309.2 POLICY

It is the policy of the Irvine Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

309.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Irvine Police Department

Policies

Search and Seizure

309.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

309.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location
- (b) There is probable cause to believe that the item is linked to criminal activity
- (c) The location of the item can be legally accessed

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

309.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

309.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

Irvine Police Department

Policies

Search and Seizure

- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

309.5 DOCUMENTATION

Officers shall ensure that any required reports are sufficient including, at minimum, documentation of the following:

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

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

Use of Force

310.1 PURPOSE AND SCOPE

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

310.2 POLICY

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

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

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

310.2.1 DUTY TO INTERCEDE

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

310.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

Irvine Police Department

Policies

Use of Force

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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

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

310.3.1 FORCE OPTIONS

Force options are choices available to a police officer concerning the methods available to control a subject. These force options may include the controlling of a subject through advice, warning, persuasion and the use of physical force. The use of physical force is sometimes necessary for the protection of the public, the subject and/or the officer. When physical force is applied, the officer may be required to escalate or de-escalate the force used depending on the subject's level of force or resistance. An officer's selection of a force option or the amount of force should be based on the degree of resistance of the subject as well as other relevant conditions or circumstances of the specific situation.

Every situation is unique, and an officer may be required to initiate force at any level, however, the following force options should be used as a guideline for determining the reasonable options available.

- (a) Officer Presence: An officer's presence alone is a form of power and control. An officer's authority and uniform are frequently enough to bring about order or compliance.
- (b) Tactical Communications: Effective communications are a basic element of the use of force. A major goal of law enforcement is to generate voluntary compliance without resorting to physical force. This may include persuasion, advice and warnings.
- (c) Controlling Force: This is the lowest level of physical force and the goal is applying force without injury to gain compliance. This would include such tactics as firm grip control, escort holds, and compliance holds.
- (d) Intermediate Force: This involves the use of the baton, ASP, Taser, less lethal devices, chemical agents and any other available instrument or tactic that may result in injury to the suspect. This level of force should only be used when a suspect fails to submit

Irvine Police Department

Policies

Use of Force

to Controlling Force techniques or when Controlling Force tactics reasonably appear to be inappropriate and/or ineffective.

- (e) Deadly Force: This is the ultimate use of force, which generally refers to the use of firearms. However, any use of force that creates a substantial risk of causing death or serious bodily injury may be considered lethal/deadly force.

310.3.2 USE OF FORCE TO EFFECT AN ARREST

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

310.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.

Irvine Police Department

Policies

Use of Force

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

310.3.4 FORCE COMPLIANCE TECHNIQUES

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

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

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

310.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

310.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

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

Use of Force

believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

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

310.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

310.5 REPORTING THE USE OF FORCE

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

310.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device as articulated in the Control Devices and Techniques policy.

Irvine Police Department

Policies

Use of Force

- (f) Any application of a restraint device (i.e.: Restraint Seatbelt, Arm and Ankle Velcro Restraint, Transport Belt, or similar) other than handcuffs, flexcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

310.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

310.6 MEDICAL CONSIDERATION

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

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

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

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

310.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to an incident in which there has been a reported application of force and is expected to:

Irvine Police Department

Policies

Use of Force

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If the person invokes their Miranda rights, then no interview should be conducted.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

310.7.1 WATCH COMMANDER RESPONSIBILITY

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

310.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Handcuffing and Restraints

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

311.3 USE OF RESTRAINTS

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

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

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

311.3.1 RESTRAINT OF DETAINEES

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

311.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons or waist chains. When feasible, consideration should be given whether or not to handcuff the person with arms behind their back.

Irvine Police Department

Policies

Handcuffing and Restraints

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

311.3.4 NOTIFICATIONS

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

311.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed

Irvine Police Department

Policies

Handcuffing and Restraints

by another officer and/or medical personnel and a supervisor notified. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death (i.e.: excited delirium) and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter should be monitored by an officer until relieved by medical personnel and shall be medically cleared prior to booking.

Irvine Police Department
Policies

Handcuffing and Restraints

Handcuffing and Restraints

311.8 REQUIRED DOCUMENTATION

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

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

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

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

311.9 TRAINING

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

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

Control Devices and Techniques

312.1 PURPOSE AND SCOPE

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

312.2 POLICY

In order to control subject(s) who are violent or potentially violent individuals, the Irvine Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

312.4 RESPONSIBILITIES

312.4.1 WATCH COMMANDER RESPONSIBILITIES

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

312.4.2 ARMORER RESPONSIBILITIES

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

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

Control Devices and Techniques

312.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices, with the exception of the Kinetic Energy Projectile device (e.g., 40mm), which will be maintained and serviced by the armorer.

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

Control Devices and Techniques

312.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

312.8 POST-APPLICATION NOTICE

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

312.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

Irvine Police Department
Policies

Control Devices and Techniques

Control Devices and Techniques

312.10 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or re-certified annually.

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

312.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

313.3 ISSUANCE AND CARRYING TASER DEVICES

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

TASER devices are issued to all sworn officers and Animal Services Officers (ASO). For purposes of this section, the term "Officer" refers to both sworn officers and Animal Services Officers who have been trained and authorized to carry a TASER device. ASOs are expected to abide by the Animal Services policy which also refers to the Conducted Energy Device.

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

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

Unless otherwise authorized, when carried while in uniform, officers shall carry the TASER device in a support-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked yellow to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the TASER device at the same time, unless justified by changing or evolving circumstances.

Irvine Police Department
Policies

Conducted Energy Device

Irvine Police Department

Policies

Conducted Energy Device

313.5.6 DANGEROUS ANIMALS

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

Irvine Police Department

Policies

Conducted Energy Device

313.5.7 OFF-DUTY CONSIDERATIONS

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

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

313.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the Force Evaluation form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Pointing the device at a person, laser activation and arcing the device will also be documented in the narrative report and Force Evaluation form. Unintentional discharges shall be made known to a supervisor.

313.6.1 TASER DEVICE FORM

Items that shall be included in the Force Evaluation form are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The distance at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers or others sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Office of Professional Development should also conduct audits of data downloads and reconcile Force Evaluation forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

313.6.2 REPORTS

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

- (a) Identification of all personnel firing, pointing a laser, or arcing TASER devices
- (b) Identification of all witnesses

Conducted Energy Device

- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

313.7 MEDICAL TREATMENT

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

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

313.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or armorer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

Conducted Energy Device

313.9 TRAINING

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

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

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

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

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

The Training Manager should ensure that all training includes:

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

Firearms

314.1 PURPOSE AND SCOPE

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

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

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

314.2 POLICY

The Irvine Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

314.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

Firearms

314.3.5 PERSONALLY OWNED DUTY FIREARMS

Personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster or armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.

Irvine Police Department

Policies

Firearms

Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the armorer, who will maintain a list of the information.

314.3.7 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

Irvine Police Department

Policies

Firearms

- (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) Only firearms manufactured by Berretta, Browning, Colt, CZ USA, Dan Wesson, Ed Brown, FN, Glock, Kimber, Les Baer, Nighthawk, Para Ordinance, Sig Sauer, Smith & Wesson, STI, Walther, Wilson Combat, Ruger, Springfield Armory or Heckler & Koch are authorized.
- (c) The caliber of the firearm must be .357, .380, .38, 9mm, 10mm, .40 or .45.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional displaying, cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the armorer.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) Members shall only carry department-authorized ammunition.
- (h) When armed, officers shall carry their Irvine Police Department identification card indicating CCW/HR 218 approved.
- (i) Sworn employees authorized to carry an off-duty firearm may own more than one firearm for this purpose. The employee must meet all of the requirements, above, for each firearm.

314.3.8 AMMUNITION

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

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh department authorized duty ammunition in accordance with the above, at their own expense.

Irvine Police Department

Policies

Firearms

Irvine Police Department

Policies

Firearms

314.4 EQUIPMENT

Firearms carried on or off duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

314.4.1 REPAIRS OR MODIFICATIONS

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

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

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

314.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

314.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster or armorer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

314.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not repair, load or unload a firearm anywhere in the Department. Members shall not pull the trigger on a firearm during cleaning or inspection.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle. Members shall not pull the trigger on shotguns, rifles, or 40mm launcher during cleaning or inspection.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons

Irvine Police Department

Policies

Firearms

from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on or off duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

314.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the weapon is carried in the proper condition and loaded with approved ammunition and no round in the chamber. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels, and the trigger shall never be pulled during inspection. Inspection of the trigger function will be inspected by the Armorer.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

Firearms

314.5.4 ALCOHOL AND DRUGS

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

314.6 FIREARMS TRAINING AND QUALIFICATIONS

All members at the rank of sergeant and below who carry a firearm while on-duty are required to successfully qualify bi-monthly with their duty firearms. In addition to bi-monthly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course. See [Policy Manual: 315.4 QUALIFICATION REQUIREMENTS](#).

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

314.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall notify his/her immediate supervisor prior to the end of the required training or qualification period. See [Policy Manual: 315.2 DISCIPLINARY/REMEDIAL ACTION](#).

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

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

314.6.2 PATROL RIFLE TRAINING

Officers shall not carry or use the patrol rifle unless they have successfully completed an initial rifle user's course approved by POST, and achieved a qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a certified patrol rifle instructor. Any officer who fails to qualify or who fails to successfully complete two or more department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer's user's course and qualification.

Firearms

314.7 FIREARM DISCHARGE

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

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

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

314.7.1 DESTRUCTION OF ANIMALS

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

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

314.7.2 INJURED ANIMALS

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

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

Firearms

314.8 ARMORER AND RANGEMASTER DUTIES

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

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

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

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

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

Irvine Police Department

Policies

Firearms

Irvine Police Department

Policies

Firearms

(

Irvine Police Department
Policies

Firearms

Firearms Qualifications

315.1 QUALIFICATION PERIODS

The Chief of Police, Assistant Chief, Division Commanders and lieutenants are required to demonstrate proficiency with their authorized duty firearm at least quarterly. Quarters are January-March, April-June, July-September and October-December.

All sworn personnel of the rank of sergeant and below are required to demonstrate proficiency with their authorized duty firearm at least once during each bi-monthly period, commencing with January-February of each year.

Proficiency will be demonstrated by completing a qualifying course at a department designated range. Participation in mandatory department scheduled qualifications may take the place of the semi-annual, quarterly or bi-monthly qualification period in which it occurs.

315.2 DISCIPLINARY/REMEDIAL ACTION

If an employee fails to respond to the range during the designated qualification period, he/she shall receive the following disciplinary and/or corrective action. In addition, a copy of the employee's Unexcused Failure to Qualify Notification shall be forwarded to his/her command level manager.

- (a) The employee shall immediately contact the Office of Professional Development (OPD) Sergeant to explain the absence. The employee shall respond to the designated range on the first open range day and qualify. The employee must also provide proof of qualification to OPD.
- (b) If this is the first unexcused absence during the bi-monthly period within the last twelve months, the employee will receive a supervisor's observation.
- (c) If this is the second unexcused absence within the last twelve months, the employee will receive a written letter of reprimand.
- (d) If this is the third unexcused absence within eighteen months of the second unexcused absence, the employee will receive one day off without pay or other action as deemed appropriate by the Chief of Police.

If an employee attempts to demonstrate proficiency by shooting the prescribed course, but fails to meet the minimum requirements, the following steps shall be taken:

- (a) Immediately remediate with the Range Master and an additional course in an attempt to qualify.
- (b) If the employee still fails to meet the minimum requirements, they shall notify the Office of Professional Development Sergeant who will schedule additional remedial instruction within ten days.
- (c) If the Office of Professional Development Sergeant determines that the employee cannot meet the minimum requirements after the remedial instruction, the sergeant shall submit a memo to the employee's Area Commander/Lieutenant detailing the problem.

Irvine Police Department

Policies

Firearms Qualifications

- (d) An employee who does not meet minimum requirements for demonstrated proficiency in the use of firearms may not be allowed to carry firearms in the course of their employment and will have limitations placed on their peace officer powers and job assignment and may be subject to termination.

315.3 RANGE INFORMATION

Qualification will be completed at a department approved range during the hours designated by the Range Master. It is the responsibility of all personnel using the range to properly sign in, and follow the directions of the Rangemaster and properly records their scores (if applicable). The Rangemaster maintains the authority and ability to assess a sworn employee's level of proficiency and to determine if the employee has qualified during the testing event.

The department will pay for all range fees. Ammunition will be supplied for .380, .38, 9mm, .40 and .45 caliber weapons. The employee will supply ammunition of any other caliber. When using any department-approved range, employees shall be aware of and comply with all regulations at the range site. While at the range site, personnel will follow the directions of the Range Master.

Employees may shoot at the department approved range in addition to special scheduled qualifications; however, employees will be limited to a maximum of 3 courses of fire per qualification period for such practice.

Irvine Police Department
Policies

Firearms Qualifications

Deadly Force Review

316.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

316.2 REVIEW BOARD

The Irvine Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to conduct a Use of Deadly Force Review when the use of deadly force by an employee results in injury or death to a person.

The Use of Deadly Force Review will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

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

316.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board may be comprised of the following person(s):

- Office of Professional Standards
- Command representative of each division
- Training Manager
- Any other investigator as designated by the Chief of Police

316.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board will be empowered to conduct an administrative investigation into the circumstances of an incident.

The investigators may request further investigation, call persons to present information and request the involved employee to appear before them. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process.

If it appears the actions of the employee(s) may result in criminal charges or disciplinary action by the department, the Office of Professional Standards will conduct the interviews in accordance with department disciplinary procedures. The investigation recommendation will be limited to one of the following:

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

Irvine Police Department

Policies

Deadly Force Review

The Office of Professional Standards will submit written findings to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Division Commander for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once OPS has reached its specific finding, the Training Manager may convene the separate training committee to address training needs and recommendations for this department without specific reference to the facts of the incident considered.

Officer-Involved Shootings and Deaths

317.1 PURPOSE AND SCOPE

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

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

317.2 POLICY

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

317.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

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

317.4 CONTROL OF INVESTIGATIONS

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

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

317.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Irvine Police Department would control the investigation if the suspect's crime occurred in Irvine.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

317.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

317.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

317.5 INVESTIGATION PROCESS

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

317.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

317.5.2 WATCH COMMANDER RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the watch commander.

317.5.3 NOTIFICATIONS

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

- Chief of Police
- Support Services Commander
- Criminal Investigation Bureau Lieutenant
- Officer Involved Shooting Protocol rollout team

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

- Outside agency investigator (if appropriate)
- Office of Professional Standards Lieutenant
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Press Information Officer

317.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved IPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any IPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the watch commander and Communications Bureau. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional IPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved IPD officer should be given an administrative order not to discuss the incident with other involved officers or IPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

317.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved IPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-IPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved IPD officer. A licensed psychotherapist may also be provided to any other affected IPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

317.6 CRIMINAL INVESTIGATION

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

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

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

- (a) IPD supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of IPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

317.6.1 REPORTS BY INVOLVED IPD OFFICERS

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

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

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

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

317.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

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

317.6.3 INVESTIGATIVE PERSONNEL

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

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

317.7 ADMINISTRATIVE INVESTIGATION

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

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

317.8 CIVIL LIABILITY RESPONSE

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

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

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

317.9 AUDIO AND VIDEO RECORDINGS

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

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

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

317.10 DEBRIEFING

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

317.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

317.10.2 TACTICAL DEBRIEFING

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

Irvine Police Department

Policies

Officer-Involved Shootings and Deaths

317.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the watch commander, Support Services Division Commander and Press Information Officer in the event of inquiries from the media.

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

317.12 REPORTING

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

Special Weapons and Tactics Team

318.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Tactical Teams. The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

318.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Weapons and Tactics Team (SWAT) are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

318.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

Irvine Police Department

Policies

Special Weapons and Tactics Team

318.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

Special Weapons and Tactics Team

318.3 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

318.3.1 INITIAL TRAINING

The Tactical Team operators and tactical team supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

Irvine Police Department

Policies

Special Weapons and Tactics Team

318.3.2 UPDATED TRAINING

Appropriate team training for the Tactical Team's functions and other supporting resources should be completed prior to full deployment of the team.

Tactical Team operators and tactical team supervisors/team leaders should complete update or refresher training as needed.

318.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

318.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

318.3.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

Special Weapons and Tactics Team

318.3.7 TRAINING DOCUMENTATION

Team training shall be documented and records maintained by the SWAT Team (both CNT and the Tactical Team).

318.4 UNIFORMS, EQUIPMENT, AND FIREARMS

318.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

318.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

318.4.3 FIREARMS

Weapons and equipment used by SWAT (both CNT and the Tactical Team), the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

318.5 MANAGEMENT/SUPERVISION OF THE SPECIAL WEAPONS AND TACTICS TEAM

The SWAT Commander shall be selected by the Chief of Police upon recommendation of staff.

318.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Operations Division Commander, the Special Weapons and Tactics Team shall be managed by a lieutenant.

318.5.2 TEAM SUPERVISORS

Each Crisis Negotiation Team and Tactical team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SWAT Commander.

The following represent the supervisor responsibilities for the Crisis Negotiations Team.

- (a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.
- (b) The Tactical Team supervisors' primary responsibility are to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.

318.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

Irvine Police Department

Policies

Special Weapons and Tactics Team

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

318.6.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memorandum to the SWAT Commander. Qualified applicants will then be invited to participate in a testing process. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The SWAT Commander shall submit a list of successful applicants to staff for final selection.

318.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Tactical Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Tactical Team.

318.7.1 SELECTION OF TACTICAL TEAM PERSONNEL

Interested sworn personnel who are off probation shall submit a memo of interest to the SWAT Commander. Those qualifying applicants will then be invited to participate in the testing process.

Irvine Police Department

Policies

Special Weapons and Tactics Team

The type and order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, a physical agility test (PAT), SWAT basic firearms course, a scenario-based test, and input from Command staff and supervisors.

318.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisors, will be met and maintained by all Tactical Team members. Any member of the Tactical Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

318.8 OPERATION GUIDELINES FOR THE SPECIALIZED WEAPONS AND TACTICS (SWAT) TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the Tactical Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a Tactical Team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team or vice versa. This shall be at the discretion of the SWAT Commander.

318.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT Team is to respond to the scene. Upon final determination by the watch commander, he/she will notify the SWAT Commander.

318.8.3 OUTSIDE AGENCY REQUESTS

Deployment of the Department SWAT Team to assist an outside agency must be approved by the Chief of his/her designee.

Irvine Police Department
Policies

Special Weapons and Tactics Team

Irvine Police Department

Policies

Special Weapons and Tactics Team

318.8.7 COMMUNICATION WITH SPECIAL WEAPONS AND TACTICS TEAM PERSONNEL
All of those persons who are non-Special Weapons and Tactics Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT Team personnel directly. All non-emergency communications shall be channeled through the SWAT Sergeant(s) or his or her designee.



Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Canines

320.1 PURPOSE AND SCOPE

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

320.2 POLICY

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

320.3 ASSIGNMENT

Canine handlers should be assigned to the Operations Division where they can assist on routine calls for service or other details based on the current operational needs.

320.4 CANINE COORDINATOR

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

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

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

320.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the watch commander.

Irvine Police Department

Policies

Canines

320.5.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.
- (e) If the request involves the use of the K9 in a tactical search, such as for a person, a field supervisor should respond with the canine team to an outside agency assist to ensure that the team is utilized appropriately and in a manner consistent with this policy.

320.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

Irvine Police Department

Policies

Canines

Canines

320.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

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

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

Canines

320.7.1 ARTICLE DETECTION

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

320.7.2 NARCOTICS DETECTION

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

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

320.7.3 BOMB/EXPLOSIVE DETECTION

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

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

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

320.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).
- (c) A garage that can be secured and accommodate a canine vehicle.

Irvine Police Department

Policies

Canines

- (d) Must live a reasonable distance from the Irvine city limits. The Canine Coordinator shall determine an appropriate distance from the city limits that will allow for a timely response in an emergency.
- (e) Agreeing to be assigned to the position for a minimum of three years.
- (f) Must have a history of good judgment and decision making and consistently receive "Meets Expectations" or better performance evaluations, with no Performance Improvement Plans (PIP.)

320.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Irvine Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or watch commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or watch commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall

Irvine Police Department

Policies

Canines

give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

320.9.1 CANINE IN PUBLIC AREAS

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

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

320.10 HANDLER COMPENSATION

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

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

320.11 CANINE INJURY AND MEDICAL CARE

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

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

Each canine must be examined and inoculated annually by the designated veterinarian.

The Canine Coordinator shall be notified before any non-emergency surgery is performed on or anesthesia is administered to the police dog. Planned veterinary examinations at a non-designated facility shall be approved by the Canine Coordinator.

320.12 TRAINING

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

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids,

Irvine Police Department

Policies

Canines

as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or watch commander.

320.12.1 CONTINUED TRAINING

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

- (a) Canine teams should receive training as defined in the current contract with the Irvine Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.
- (d) Consideration should also be given to advanced handler courses, liability sessions and canine drug enforcement training programs.

320.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

320.12.3 TRAINING RECORDS

Each canine handler shall maintain a personal file containing a complete copy of all training documentation and certificates. As with any training session, the handler is responsible for providing a copy of the Certificate to the Office of Professional Development and to the unit supervisor. Further, the handler shall enter all significant training into the K9 tracking database.

320.12.4 TRAINING AIDS

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

320.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Irvine Police Department to be possessed by

Irvine Police Department

Policies

Canines

the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

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

320.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the rear cargo compartment of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

320.12.7 EXPLOSIVE TRAINING AIDS

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

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

Irvine Police Department

Policies

Canines

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Mounted Unit

321.1 PURPOSE AND SCOPE

The Mounted Unit (MU) is to augment and support field deployments to enhance public safety and promote positive relationships with the community. MU officers will serve in this capacity as a collateral assignment.

321.2 GOALS AND OBJECTIVES

Members of the MU will use their specialized training and equipment to provide support as requested in the following areas:

- (a) Enhancement/supplement patrols of the Great Park or Open Space
- (b) Search and rescue operations in locations not easily accessible
- (c) Support of community events to promote positive relationships

321.3 PERSONNEL RESPONSIBILITIES

- (a) Division Commander - The Operations Commander will provide executive oversight of the MU.
- (b) Lieutenant - The assigned lieutenant will be the MU Commander. The duties of the MU Commander will include but not be limited to: Personnel selections, budgetary issues, community relations and liaison with other management personnel relative to the MU.
- (c) Sergeant - The assigned sergeant(s) will supervise day to day unit operations and training. This will be a collateral assignment. The sergeant's duties will include but not be limited to: Organizing and overseeing training, review and approval of operational plans, supervision of deployments, and other duties as assigned.
- (d) Police Officer - The MU Officer, regardless of rank, shall be responsible for routine exercising of the horse, care and cleaning of the horse and care and cleaning of all related equipment. They will also be responsible for attending department sanctioned training, consistent with best practices and POST standards. MU officers must also maintain their skill level, as defined by POST standards and this policy.

All assigned MU officers are responsible for notifying their unit chain of command of any and all problems related to the horse and equipment or deployment staffing conflicts.

321.4 ADMINISTRATION

Assignment to the MU:

- (a) Qualified reserve or regular officers of any rank may be selected and assigned to the MU.
- (b) The MU is a collateral duty assignment.
- (c) The following tasks will not be compensated when performed during periods that are not authorized deployments or training days:

Irvine Police Department

Policies

Mounted Unit

1. Regular care and cleaning of the horse and equipment
2. Riding the horse to maintain adequate fitness levels for the horse and rider
3. Feeding the horse

321.5 MINIMUM QUALIFICATIONS CRITERIA FOR MOUNTED UNIT MEMBERS

- (a) The candidate must demonstrate basic equitation skills as follows:
 1. Properly saddle and bridle the horse and inspect the equipment.
 2. Lead the horse at the walk and the trot.
 3. Mount the horse properly.
 4. Ride the horse around the arena at the walk, trot, and lope on command while posting/trotting.
 5. Ride the horse to the middle of the arena and stop smartly from the walk, trot, and lope.
 6. Walk forward and back through an "L" pattern.
 7. Hold the horse in place and perform a 360-degree turn to the right, stop and perform a 360-degree turn to the left.
 8. Lead the horse and correctly tie it to a rail.
- (b) Each horse and rider, prior to appointment, must pass a pre-assignment riding examination to determine suitability for training and field deployment operations by a certified mounted instructor. The examination will include, but not be limited to, exposing the horse to the following:
 1. Walking a gauntlet with noises of all sorts
 2. Sign waving
 3. Flag waving
 4. Balloons in the air and popping
 5. Plastic and/or cloth overhead obstacles
 6. Plastic tarp crossing
 7. Firing of handgun blanks
 8. Code three vehicles
 9. Smoke grenades and flares
 10. Firecrackers
- (c) The assigned MU Officer will complete a mounted P.O.S.T. school as soon as practical

Irvine Police Department

Policies

Mounted Unit

321.6 HORSES

All horses assigned to the MU will be purchased or leased by an individual officer and maintained by that officer.

Horses selected shall satisfy the recognized criteria and standards as set forth by this manual, including but limited to certification by a Certified MU Instructor (Refer to §.10 - Horse Selection Procedure).

321.7 EQUIPMENT

- (a) MU members will have access to a horse trailer and tow vehicle.
- (b) The department will issue certain items of tack and equipment to officers assigned to the MU, as determined by the Chief of Police. MU personnel must provide, or have access to, a western style saddle (brown or black), halter and lead rope, bridal, other required tack and equipment, and all grooming equipment.
- (c) The uniform for the MU will be determined by the Chief of Police.
- (d) The cost of items mandated by the department, including specialized uniforms, headwear, footwear, and pants shall be borne by the department. Maintenance of such items shall be maintained by the officer.
- (e) All equipment will be approved by unit management prior to use.

321.8 TRAINING

- (a) Conducted twice a month and attended by all assigned officers to the MU. This will be a minimum of eight (8) hours held on each training day.
- (b) Each of the MU officers is responsible for informing their regular duty supervisor of any scheduling adjustments that need to be made. This will be done as soon as each MU officer is notified of the training date and time.
- (c) Failure to participate on scheduled training days may preclude the member from certification. Unjustified absences, failure to train, or failure to certify may result in disqualification from the MU.
- (d) Performance, training and deployment records of the horse and officer shall be maintained by the MU supervisor, as well as, all pertinent papers and veterinary records on the horse.

321.9 OPERATIONS

- (a) Deployment:
 - 1. All deployments in Irvine will be at the discretion of the Operations Commander, or their designee.
 - 2. All outside employment and mutual aid will be at the discretion of the Chief of Police, or their designee.

Irvine Police Department

Policies

Mounted Unit

3. An Officer in Charge (O.I.C.) will be designated for all deployments. The O.I.C. will report directly to the Incident Commander. The MU's mission will be carried out by the O.I.C. at the direction of the Incident Commander. While the Incident Commander will determine the overall mission, the MU O.I.C. will determine the means of carrying out said mission.
 4. MU officers should be deployed in teams of two to ensure the safety of officers and citizens. If an outside agency MU Officer is deployed in Irvine, an Irvine officer will be his/her partner whenever possible.
 5. MU officers will inform their regular duty supervisor of any scheduled deployments as soon as possible to determine if a scheduling conflict exists. If a conflict exists, the MU supervisor shall be informed by the officer immediately so the conflict can be resolved between the two supervisors.
- (b) Safety Rules:
1. MU officers should not position their horses within close proximity to a person who is sitting or lying on the ground.
 2. MU officers shall not allow the horse to be fed by any member of the public.
 3. MU officers should not run the horse at a full gallop unless there is an emergency situation that is ongoing and only after due regard is given for the safety of the horse, officer and the public.
 4. Only when the MU Officer has control of the horse and permission is given, will a community member be allowed to approach and touch the horse. The MU Officer will determine the number of persons who may safely touch or approach the horse.
 5. Horses are not to be left unattended while secured outside the trailer.
 6. Horses should not be allowed to graze while on-duty.
 7. Prisoners shall not be transported on horseback, or led via a rope or other type device.
- (c) Horse Nuisance:
1. MU officers will attempt to prevent the horse from defecating or urinating on the sidewalks or in a crosswalk. If the horse urinates, the MU officer, as soon as practical, will cover it with dirt or sand. If the horse defecates, the officer will pick it up and carry it away.
- (d) Reporting of an Injury to a Member of the Public:
1. All injuries to civilians will be reported to the MU Commander, via the chain of command. Risk Management in Human Resources shall also be notified. The appropriate reports will be made, in accordance with department policy.
- (e) Injury to On-duty Horse:
1. Should a horse be injured while on-duty, the MU officer will determine the need for medical treatment. If possible and needed, the horse will be transported to

Irvine Police Department

Policies

Mounted Unit

a large animal veterinarian or hospital. If the horse cannot be transported, a veterinarian will be called and asked to respond to the scene.

2. A field supervisor and the MU chain-of-command shall be notified immediately of any moderate or major injury(s) sustained by a horse while on-duty. If the injury requires immediate medical attention, a veterinarian may be called. A written account of the incident will be submitted to the Chief of Police.
3. Payment for veterinarian services for on-duty horses will be provided by the department in the amount up to \$5,000.00, with exceptions based on extenuating circumstances, as determined by the Chief of Police. The Chief of Police or his or her designee will review and approve submitted requests for payment of veterinarian services reports if determined such services and corresponding injury was sustained as a result of or in connection with the use of the horse for the City's MU. Reported veterinarian services for on-duty horses must be made when the injury first becomes known to be considered for payment. Payment for injuries that are not reported and off-duty injuries will be the responsibility of the officer. Preventative veterinarian services shall not be the responsibility of the department.

(f) Unavailability for Duty:

1. In the event that a horse or MU officer is unable to work due to injury, illness, or other circumstances, the MU officer will notify the MU supervisor. In the event of a scheduled deployment, the MU officer will also contact other members of the MU for proper coverage.

(g) Unauthorized Persons Riding Police Horses:

1. Members of the public shall not be allowed to sit or ride on the police horse during deployments. Police officers who are not part of the MU will not be allowed to ride the police horse.

(h) Grooming:

1. Prior to all deployments, all horses shall either be bathed or thoroughly brushed. The horse shall be properly trimmed; including the bridle path, face, ears, and legs. The length of the mane and tail are optional. The mane and tail will not be matted or tangled and free of hay and bedding materials.

321.10 HORSE SELECTION PROCEDURES

(a) Disposition:

1. All horses selected must be calm, gentle and free of vicious habits or traits that might present a danger to the rider, other horses, and the public. They must not be hard to catch when turned out, nor balk, rear, or shy away when groomed or saddled. The horse must be quiet and not object to being rubbed or petted by strangers. The horse should be comfortable with most types of general noises and objects.

(b) Health:

Irvine Police Department

Policies

Mounted Unit

1. A basic veterinary health check by a competent equine veterinarian is required to ensure all horses selected are sound, and that they are free of any physical impairment that would prevent them from completing their objectives. Such examination must be completed every two years. A copy of the veterinarian's statement of soundness for mounted duty must be provided to the Unit Supervisor and maintained in the primary rider's/owner's file. The examinations will be paid for by the police department.
- (c) Color:
1. There are no color restrictions of the selected horse.
- (d) Appearance:
1. The overall appearance of the horse selected will reflect the highest standard of professionalism represented by the Irvine Police Department.
- (e) Breed:
1. There are no restrictions regarding the breed of the horse selected.
- (f) Gender:
1. Only geldings and mares will be allowed selection to the MU. There shall not be any stallions.
- (g) Size:
1. A minimum of 14 hands with the weight proportionate to the height.

Domestic Violence

322.1 PURPOSE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

322.1.1 SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Irvine Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred. In responding to domestic violence incidents, officers are discouraged from making dual arrests. The below listed procedures will assist and guide members of the Irvine Police Department in handling calls involving domestic violence.

322.1.2 DEFINITIONS

Definitions related to this policy include:

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

322.2 POLICY

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

322.2.1 REPORTING OF DOMESTIC VIOLENCE

Penal Code §13730 requires that a written report be completed on all incidents of domestic violence. All such reports should be documented under the appropriate crime classification and, in the "Type of Crime" box of the crime report form, the distinction "Domestic Violence" should be made. The handling officer of an incident related to domestic disturbance not amounting to a criminal offense will prepare an incident report to document the occurrence.

322.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

Domestic Violence

322.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.

Irvine Police Department

Policies

Domestic Violence

4. The potential financial or child custody consequences of arrest.
 5. The physical or emotional state of either party.
 6. Use of drugs or alcohol by either party.
 7. Denial that the abuse occurred where evidence indicates otherwise.
 8. A request by the victim not to arrest the suspect.
 9. Location of the incident (public/private).
 10. Speculation that the complainant may not follow through with the prosecution.
 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
- (k) Retain as evidence all telephonic equipment, if a violation of Penal Code §§591 or 591.5 is involved;
- (l) If applicable, obtain a signed Authorization for Release of Health Information form.

322.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

322.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

322.4.3 OFFICERS INVOLVED IN DOMESTIC VIOLENCE

Domestic Violence incidents involving peace officers shall be investigated in the same manner as incidents involving the general public and in accordance with the provisions of this policy. Irvine Police Officers must notify a supervisor in domestic violence situations involving a peace officer as a victim, witness, suspect, or other association.

A supervisor shall respond to every domestic violence incident involving a peace officer within the City of Irvine. The supervisor will assess the incident, make the appropriate notifications, and ensure documentation is sent to the Office of Professional Standards. The Office of Professional

Irvine Police Department

Policies

Domestic Violence

Standards will normally make notifications to outside agencies, unless practical reasons (i.e., return of police property) require a field supervisor to contact the outside agency immediately.

In those domestic violence incidents involving Irvine Police personnel, the command duty officer shall be notified as soon as practicable, regardless of the jurisdiction where the incident occurred. The Chief of Police may direct an Office of Professional Standards representative or supervisory designee to respond to the incident to make an assessment and take appropriate administrative action.

322.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

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

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

322.5.1 WRITTEN NOTICE TO VICTIMS - VICTIM'S RESOURCE GUIDE

Penal Code §13701 requires that police agencies provide domestic violence victims with a written document that provides certain information. Officers are required by law to present this information, which is consolidated within the Victims' Resource Guide. The pamphlet contains:

- (a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time;
- (b) A statement that provides information about a shelter they may contact in the area;
- (c) A statement that provides information about other community services they may contact in the area;
- (d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint;

Irvine Police Department

Policies

Domestic Violence

- (e) A statement that “For further information about the California Victim’s Compensation Program, you may contact 1-800-777-9229”;
- (f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
 - 1. An order restraining the attacker from abusing the victim and other family members;
 - 2. An order directing the attacker to leave the household;
 - 3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim;
 - 4. An order awarding the victim or the other parent custody of or visitation with a minor child or children;
 - 5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim;
 - 6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so;
 - 7. An order directing the defendant to make specified debt payments coming due while the order is in effect;
 - 8. An order directing that either or both parties participate in counseling.
- (g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim;
- (h) In the case of an alleged violation of Penal Code §§243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Domestic Violence, Sexual Assault & Violent Crime Victim Information pamphlet shall be provided which shall include, but is not limited to, the following information:
 - 1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code §13837, and their 24-hour counseling service telephone numbers;
 - 2. A simple statement on the proper procedures for a victim to follow after a sexual assault;
 - 3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime;
 - 4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

322.5.2 DOMESTIC VIOLENCE SHELTERS

Domestic violence shelter locations within the City shall not be disclosed to anyone other than employees of the Irvine Police Department. Upon approval of the on duty supervisor, under exigent

Irvine Police Department

Policies

Domestic Violence

circumstances, employees of other law enforcement agencies may be given this information. Employees may make reference to transporting the victim to a domestic violence shelter, but shall not mention it by name, address or city, in police reports or other correspondence.

Officers may be called upon to provide transportation from the Irvine Police Department to a domestic violence shelter within the City of Irvine. This service is provided to prevent the victim from being followed to the shelter location.

When transporting the victim to the shelter, there shall be no reference either by name or location on the radio. Officers with citizen ride-a-longs will not be used to transport domestic violence victims to the shelter.

322.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

322.7 FOREIGN COURT ORDERS

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

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

322.8 VERIFICATION OF COURT ORDERS

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

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

Irvine Police Department

Policies

Domestic Violence

before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

- (b) Check available records or databases that may show the status or conditions of the order.
 - 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

322.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

322.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1

Irvine Police Department

Policies

Domestic Violence

- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

322.9.2 TENANCY ISSUES

Officers may request a person who is not in lawful possession of the premises to leave when:

- (a) The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.).
- (b) The complainant has requested that the person leave the premises. The officer will stand by until the suspect removes essential belongings. If the suspect does not leave upon request, an arrest should be made under Penal Code §602.5. If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy. If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order.

322.9.3 CALIFORNIA STATE LAW - COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

Irvine Police Department

Policies

Domestic Violence

- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

322.9.4 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code §13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence;
- (b) Excludes a party from a dwelling;
- (c) Prohibit other behaviors specified by the court;
- (d) These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together. The court orders under Penal Code §13701(b) may be captioned as follows:
 1. Domestic Violence Protective Order;
 2. Criminal Court Protective Order;
 3. Emergency Protective Order (EPO);
 4. Order to Show Cause and Temporary Restraining Order (TRO);
 5. Order After Hearing;
 6. Restraining Order – Juvenile;
 7. Judgment of Dissolution and Order.

Any officer determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

322.9.5 VIOLATION OF RESTRAINING ORDERS - ENFORCEMENT PROCEDURES

Violation of a restraining order is a misdemeanor under Penal Code §§273.6 or 166(c)4, and may be a felony under PC §§273.6(d), 646.9 or 136. An arrest shall be made when probable cause exists to believe the subject of a restraining order has violated the order, whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:

- (a) The existence of the order and proof of service to the suspect has been verified by the officer.

Irvine Police Department

Policies

Domestic Violence

- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect.
- (c) The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements.
- (d) The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms.

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

322.9.6 RESTRAINING ORDER - UNSERVED

If the victim is not in possession of the restraining order and/or for any reason the officer cannot verify the validity of the order, the following action shall be taken:

- (a) Write a report and give the police report number to the victim.
- (b) Inform the victim how to contact the detective bureau for further action.
- (c) Inform the victim of the right to make a private person's arrest for the appropriate violation. In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed.

322.9.7 OBTAINING EMERGENCY PROTECTIVE ORDERS

Emergency Protective Orders are available 24 hours a day, whether or not court is in session. To obtain an emergency protective order, the steps below shall be followed:

- (a) Complete the "Application for Emergency Protective Order/Emergency Protective Order".
- (b) Call the Judicial Hearing Officers (JHO) at any time, day or night.
- (c) The officer should be prepared to discuss the situation with the JHO, who will decide whether to grant the EPO.
- (d) If the EPO is granted, the officer shall complete the remaining portions of the "Application for Emergency Protective Order/Emergency Protective Order".
- (e) The officer shall make a reasonable effort to serve the EPO on the suspect. The order may be served orally or in person.
- (f) The officer will then complete the proof of service portion of the EPO.
- (g) The officer shall give the protected person, as well as the suspect, if possible, a copy of the EPO, with an explanation of terms of the order. Both parties shall also be encouraged to read the "Warnings and Information" printed on the reverse side of the order.

Irvine Police Department

Policies

Domestic Violence

- (h) The EPO must be entered into CLETS as soon as possible, even if the order hasn't been served.
- (i) A copy of the EPO shall immediately be hand delivered to Records Bureau personnel to file/enter the EPO into CLETS. If there are no records personnel on duty, the officer will contact the Communications Bureau, and provide the relevant data and have them make the CLETS entry.
- (j) An EPO shall be entered into CLETS whether it was served or not.
- (k) Records personnel will fax or deliver a copy of the EPO to the Family Law Division of Superior Court by 0900 on the next court day.

322.9.8 STAY-AWAY ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code §166(c) (1). Witness intimidation is also a violation of Penal Code §136.1 and potentially a violation of Penal Code §422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

322.9.10 RESTRAINING ORDER - SERVICE

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

- (a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect.
- (b) Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody. The notice of service shall immediately be transmitted to the California Department of Justice Restraining Order and Protective Order System. The officer shall provide the information to the Records Bureau personnel prior to going off duty. If no Records Bureau staff members are on duty, the officer will contact Communications, provide the relevant data and have them make the CLETS entry. The date/time of the CLETS entry should be added to the report by the officer.
- (c) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.
- (d) Obtain the suspect's address.
- (e) Enforce the order but do not make an arrest for any violation of the order occurring prior to established proof of service or before an officer's admonition of the terms of the order.
- (f) If the suspect continues to violate the order after being advised of the terms, an arrest should be made.
- (g) If the suspect complies with the order, the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement.

Irvine Police Department

Policies

Domestic Violence

- (h) The department copy of the restraining order shall be updated to reflect the information listed above.

Officers shall give full faith to out-of-state restraining or protective orders and enforce the violation. There shall be a presumption of validity where an order appears authentic on its face.

In the event the suspect has fled, due diligence will be expended to locate the suspect. A written report shall be made with the complainant being advised of the DR number of the incident.

322.9.10 PUBLIC ACCESS TO POLICY

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

322.9.11 EMERGENCY PROTECTIVE ORDERS

- (a) Family Code §6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code §6250. Discretionary authority is given to the field officer to determine whether phone application to a judge for an EPO is appropriate. An officer should apply for an EPO whenever one is requested by a domestic violence victim. A judicial officer may issue an Emergency Protective Order whenever one is requested by a domestic violence victim and/or a law enforcement officer asserts reasonable grounds that:
 1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
 4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code §15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- (b) Under Penal Code §646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer.
 2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected

Irvine Police Department

Policies

Domestic Violence

with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.

- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
 - 1. Physically or verbally contacting the victim or disturbing his/her peace.
 - 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
 - 3. Continuing a specified behavior as described in the order.
- (d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

322.9.12 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

322.9.13 DECLARATION IN SUPPORT OF BAIL INCREASE

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

322.9.14 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or

Irvine Police Department

Policies

Domestic Violence

whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

322.10 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code §1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code §679.05). The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

322.11 VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the Irvine Police Department Domestic Violence, Sexual Assault & Violent Crime Victim Information.

322.12 FIREARMS

Officers shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in Penal Code §18250. During the investigation of a domestic violence occurrence, officers should ask the parties involved if there are any firearms or deadly weapons on the premises.

Confiscated firearms shall be retained by the Department for a minimum of 48 hours from seizure. The officer taking custody of any firearm or other deadly weapon shall document the seizure on a Weapons Seizure Report Form (IPD form 73-02). The officer will have the owner or possessor sign the form. The officer shall provide a copy for the owner or possessor. The Weapons Seizure Report Form shall fully describe the weapon (including the serial number) and indicate the location

Irvine Police Department

Policies

Domestic Violence

where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code §18255)

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code §646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect. Any weapons located under these circumstances shall be booked for safekeeping.

- (a) Any officer seizing a firearm shall explain to the owner or possessor that the firearm will not be released until the owner or possessor presents proof from the California Department of Justice that he/she can legally possess firearms (PC §§33855 and 33865). The officer shall direct the attention of the owner of the firearm or other deadly weapon to the Weapons Seizure Report form for information on the process to reclaim the property.
- (b) Officers should document in the report the presence of all weapons, the basis for any seizures, whether weapons were discovered or disclosed but not seized, and the reason the weapons were not seized (PC §13730(c));
- (c) Officers shall conduct a want/warrant check to identify if the suspect has any registered firearms (AFS), any domestic violence restraining orders (DVROS), or is on parole (SRF). Officers may also check the owner's or possessor's automated criminal history to determine if the person is, through prior court sanction, prohibited from possessing or owning a firearm. Responses to these inquiries, coupled with the facts of the case, may justify charges being filed against the defendant.
- (d) If the weapon itself is illegal to possess (i.e. serial numbers removed) is stolen, used in a crime, or the owner cannot legally possess weapons due to a conviction, restraining order violations, etc. the weapon shall then be booked into evidence.

322.12.1 RETURN OF FIREARMS

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code §18265).
- (b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall, within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days from the date of the seizure.
- (c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days from the date of the initial seizure

Irvine Police Department

Policies

Domestic Violence

or upon timely application to the court for an extension within no more than 90 days (Penal Code §18400).

- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code §§33855 and 33865).
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code §34000(a)).

Elder / Dependent Adult Abuse

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Irvine Police Department members as required by law.

323.1.1 DEFINITIONS

Definitions related to this policy include:

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

Abuse of an elder (age 65 or older) or dependent adult (age 18-64) - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

323.2 POLICY

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

323.3 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

Irvine Police Department

Policies

Elder / Dependent Adult Abuse

- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).
- (k) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

323.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

323.5 MANDATORY NOTIFICATION

Members of the Irvine Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have

Irvine Police Department

Policies

Elder / Dependent Adult Abuse

knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

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

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

Irvine Police Department

Policies

Elder / Dependent Adult Abuse

- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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

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

323.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

Elder / Dependent Adult Abuse

323.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

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

323.6.1 EMERGENCY PROTECTIVE ORDERS

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

323.7 INTERVIEWS

323.7.1 PRELIMINARY INTERVIEWS

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

323.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

Elder / Dependent Adult Abuse

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

323.8 MEDICAL EXAMINATIONS

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

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

323.9 DRUG-ENDANGERED VICTIMS

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

323.9.1 OFFICER RESPONSIBILITIES

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

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

323.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Bureau supervisor that he/she has responded to a drug lab or other narcotics crime

Irvine Police Department

Policies

Elder / Dependent Adult Abuse

scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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

323.10 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

323.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

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

323.12 JURISDICTION

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

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

323.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or

Elder / Dependent Adult Abuse

dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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

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

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

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

Irvine Police Department

Policies

Elder / Dependent Adult Abuse

(d) For purposes of this section, “representative” means a person or entity that is either of the following:

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

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

- (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
- (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
- (3) False imprisonment, as defined in Section 236 of the Penal Code.
- (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

- (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
- (2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

- (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

Irvine Police Department

Policies

Elder / Dependent Adult Abuse

- (3) Failure to protect from health and safety hazards.
- (4) Failure to prevent malnutrition or dehydration.
- (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

“Physical abuse” means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - (1) Sexual battery, as defined in Section 243.4 of the Penal Code.
 - (2) Rape, as defined in Section 261 of the Penal Code.
 - (3) Rape in concert, as described in Section 264.1 of the Penal Code.
 - (4) Spousal rape, as defined in Section 262 of the Penal Code.
 - (5) Incest, as defined in Section 285 of the Penal Code.
 - (6) Sodomy, as defined in Section 286 of the Penal Code.
 - (7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - (8) Sexual penetration, as defined in Section 289 of the Penal Code.
 - (9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - (1) For punishment.
 - (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - (3) For any purpose not authorized by the physician and surgeon.

Child Abuse

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Irvine Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

324.2 POLICY

The Irvine Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

324.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

Child Abuse

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

324.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

324.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

324.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

Irvine Police Department

Policies

Child Abuse

- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

324.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

324.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

Irvine Police Department

Policies

Child Abuse

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

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
 1. The child has an immediate need for medical care.
 2. The child is in immediate danger of physical or sexual abuse.
 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 2. There is no lawful custodian available to take custody of the child.
 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

324.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

Child Abuse

324.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

324.7 INTERVIEWS

324.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

324.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

324.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

324.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency

Child Abuse

having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

324.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

324.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

324.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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

324.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

324.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

324.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name

Irvine Police Department

Policies

Child Abuse

be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

324.10.3 CACI HEARING OFFICER

The Investigations Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

324.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

324.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise

Child Abuse

be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

324.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian and victim support.

Missing Persons

325.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

325.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

325.2 POLICY

The Irvine Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Irvine Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

325.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

Irvine Police Department

Policies

Missing Persons

- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

325.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

325.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.

Irvine Police Department

Policies

Missing Persons

4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

If the missing person is a child, a School Resource Officer shall notify the affected school/school district pursuant to California Education Code 49068.6(a).

325.6 RETURN HOME REGISTRY

The Return Home Registry is a searchable database that can be accessed by the Communications Bureau and other specified department personnel to assist in reuniting missing or found persons with their family members and/or caregivers in the event they wander from their home.

325.7 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

325.7.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

325.7.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

Irvine Police Department

Policies

Missing Persons

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigations Bureau.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

325.8 INVESTIGATIONS BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

Irvine Police Department

Policies

Missing Persons

- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

325.9 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) Entries are made in the applicable missing person networks.
- (c) Immediately notify the Attorney General's Office.
- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

If the missing person was a child, a School Resource Officer shall ensure the school/school district is aware the child has been found.

325.9.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

325.10 CASE CLOSURE

The Investigations Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

Irvine Police Department

Policies

Missing Persons

- (b) If the missing person is a resident of Irvine or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

325.11 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Return Home Registry

326.1 PURPOSE AND SCOPE

This procedure outlines the features of the Return Home Registry (RHR) database and department expectations regarding its use when responding to service calls related to high risk missing persons who suffer from specified debilitating conditions.

326.2 PROGRAM OVERVIEW

The Return Home Registry is a searchable database that can be accessed by the Communication Bureau and other specified department personnel to assist in reuniting missing or found persons with their family members and/or caregivers in the event they wander from their home. Those prone to wander can include persons of all ages who suffer from one or more developmental disorders or dementia related illnesses that may impact their ability to safely return home. These conditions include, but are not limited to, Alzheimer's, Autism, Cerebral Palsy, Down syndrome, and children with debilitating illnesses or special needs.

326.3 DATABASE CHARACTERISTICS

The database will retain only that information necessary to aid department personnel and the community in locating registrants who are missing or returning those who have been found to their relatives and caregivers. The data file for each program registrant will contain:

- (a) Relevant biographical information
- (b) Two current photographs (one portrait & one full body)
- (c) Relative or caregiver contact information
- (d) Past patterns of travel and behavior
- (e) Other vital information on the registrant's mannerisms, appearance or speech anomalies

326.4 APPLICATION TO FIELD SERVICES

Each department employee who contacts an unregistered person, who fits the criteria above, should present this program to the relative or caregiver and attempt to register the person. If the relative or caregiver declines the offer to register the person, the employee should provide him/her with an RHR pamphlet and a reference to the official City website for online registration. The RHR forms are located in the Report Writing Room adjacent to the missing person forms. They are also located on the Department Intranet.

Registration Process: The handling employee will complete the RHR Registration Form and have a forensic specialist respond to take photographs. Completed registration forms will be submitted with the incident report that documents the occurrence. The Department Record (DR) number will be placed in the upper right hand corner of the registration form. Supervisors will forward the

Irvine Police Department

Policies

Return Home Registry

registration form to Crime Prevention without delay. Crime Prevention is responsible for the initial entry of all registrants.

If a forensic specialist is not available to take photographs, any available digital camera can be used. One portrait style and one full length photograph should be taken. The photographs should be downloaded to: R:\GenFiles\Patrol\ReturnHomeRegistry\Photographs. A file should be created with the last name of the person and the DR number.

Using the database: In the event an officer discovers a disoriented person who is unable to provide useful information that would assist in identifying his/her identity or residence, the officer should query the RHR database. At the officer's request, the Communications Bureau will enter the person's height, weight, approximate age, hair color, eye color, scars and other descriptive information into the registry database. If the person has registered with the program and a match is made, the officer will have valuable information that will facilitate a rapid return of the person to their relatives or caregivers.

When responding to a report of an at-risk missing person, the officer should ask the Communications Bureau to query the RHR database for registration information. If the missing person is in the database, the Communications Bureau can forward his/her photographs to all field personnel. The Communications Bureau can also provide information regarding previous walk-away events, mannerisms and other anomalies that could aid in the search.

326.5 COMMUNICATIONS DIVISION RESPONSIBILITY

In the event the Communications Bureau receives a missing person, walk-away, or other related service call that involves a program registrant, the handling dispatcher will ensure the following:

- (a) Check RHR for to determine if the missing person is in the system.
- (b) Provide available information to field personnel.

326.6 REPORTING

Field Personnel handling lost or found persons will reference in their report any use of the RHR database. Further, if the person was previously unregistered, the employee will document the registration or referral, if made.

Hate Crimes

327.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

327.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

327.2 POLICY

The Irvine Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

Irvine Police Department

Policies

Hate Crimes

327.3 CRIMINAL STATUTES

Penal Code § 422 - Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family.

Penal Code § 422.6(a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat.

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a).

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence or property damage in excess of \$400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6.

Penal Code § 422.56 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika, noose, or burning cross).

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs.

Penal Code § 594.3 - Prohibits vandalism to religious buildings or places of worship.

Penal Code § 11413 - Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations.

327.4 CIVIL STATUTES

Civil Code § 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or City Attorney for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

Civil Code § 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

Hate Crimes

327.5 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

327.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 - 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 - 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 - 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.

Irvine Police Department

Policies

Hate Crimes

- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

327.6.1 INVESTIGATIONS BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Investigations Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Bureau Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).
- (f) Provide the supervisor and the Press Information Officer (PIO) with information that can be responsibly reported to the media.
 - 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

327.6.2 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

Irvine Police Department

Policies

Hate Crimes

- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

327.6.3 RESPONDING TO HATE INCIDENTS

A Hate Incident differs from a Hate Crime in that it involves behaviors that, though motivated by bias against a protected group, are not criminal acts. Hostile or hateful speech or other disrespectful/discriminatory behavior may be motivated by bias but is not generally illegal. These actions become crimes when they directly incite perpetrators to commit a criminal act against persons or property, or if they place a potential victim in reasonable fear of physical injury.

Due to the sensitive nature of hate incidents, they should be handled in line with how personnel respond and handle hate crimes.

Whenever any member of this department receives a report of a suspected hate incident or other activity that reasonably appears to involve a potential hate incident, the following should occur:

- (a) Assigned officers should promptly contact the witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A report shall be taken in all hate incidents or perceived hate incidents.
- (c) A supervisor should be notified of the circumstances as soon as practical.
- (d) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (e) All reports should be completed and submitted by the assigned officers before the end of the shift unless a supervisor provides approval to hold the report.
- (f) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim on community resources.

327.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

Child and Dependent Adult Safety

328.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

328.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Irvine Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

328.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Irvine Police Department

Policies

Child and Dependent Adult Safety

328.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or watch commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

328.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

328.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

328.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

328.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Irvine Police Department

Policies

Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

328.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Identity Theft

329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

329.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Gun Violence Restraining Orders

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order (GVRO) - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

330.2 POLICY

It is the policy of the Irvine Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

330.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

330.3.1 EX PARTE GUN VIOLENCE RESTRAINING ORDERS

Ex Parte GVROs are issued when an individual poses a significant danger in the near future. Either a law enforcement officer, or an immediate family member, may petition for an Ex Parte GVRO. To grant an order, the petitioner must show:

1. substantial likelihood that the individual poses a significant danger in the near future, or injury to self or others, by having a firearm or ammunition in his or her possession, and

Irvine Police Department

Policies

Gun Violence Restraining Orders

2. that less restrictive alternatives have been ineffective, inadequate, or inappropriate.

Ex Parte GVROs must be obtained during court hours and expire after 21 days.

Officers shall provide assistance to any member of the public that requests assistance in obtaining an Ex Parte GVRO.

330.3.2 TRAINING AND EDUCATION

The department will maintain ongoing training for personnel on the matter of GVROs and Ex Parte GVROs. The department will also maintain an ongoing engagement with the community to educate them on Ex Parte orders.

330.3.3 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

330.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

Irvine Police Department

Policies

Gun Violence Restraining Orders

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

330.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

- (a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
- (b) File a copy of the order with the court as soon as practicable after issuance.
- (c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

330.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

330.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective

Irvine Police Department

Policies

Gun Violence Restraining Orders

and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

- (b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

330.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

330.8 21 DAY HEARINGS

After the issuance of the emergency GVRO, the court will:

- (a) Initiate a case listing the law enforcement agency as petitioner and the restrained person as the respondent.
- (b) Set a hearing within 21 days in Department C61 at the Central Justice Center.
- (c) Send notice of hearing to the law enforcement agency care of the issuing officer and respondent.
- (d) Send notice to the Irvine Police Department Court Liaison who will also notify the issuing officer.
- (e) Appearance by the officer is mandatory, unless absence is authorized by a supervisor to not attend, such as scheduled vacation or similar court absences.
- (f) The emergency GVRO may be dismissed if no appearance is made by the issuing officer.
- (g) Without further court order, emergency GVRO's expire 21 days from the date of issuance.

Irvine Police Department

Policies

Gun Violence Restraining Orders

330.9 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

330.10 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 - 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 - 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 - 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 - 2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.

Irvine Police Department

Policies

Gun Violence Restraining Orders

3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

330.11 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

A Investigations Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

330.12 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

330.13 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Mandatory Employer Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

331.2 POLICY

The Irvine Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

331.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

331.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

331.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

331.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher

Irvine Police Department

Policies

Mandatory Employer Notification

and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

331.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

331.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

331.5 OFFICER RESPONSIBILITY

Any officer who arrests any school employee for any offense shall notify a supervisor as soon as practical.

331.6 SUPERVISOR & COMMAND DUTY OFFICER RESPONSIBILITY

In the event any school employee from any kind of school is arrested for a sexually based crime or possession of any kind of controlled substance, the on-duty supervisor shall notify the on-duty or on-call command duty officer.

The command officer should research the actual code sections to determine the following:

- (a) Does the arrestee work for a qualifying entity requiring notification to the employer, and what that entity is (public school, community college, private school, etc.)
- (b) What offense has been charged and whether or not that offense qualifies for notification.
- (c) Who or what entity requires notification (School District Superintendent, Office of the Chancellor, Commission on Teacher Credentialing, etc.).

331.6.1 MAKING THE NOTIFICATION

Once it is determined a notification should be made and who or what entity will be notified, the command officer, in conjunction with the Chief of Police or his or her designee shall make these appropriate notifications.

Registered Offender Information

332.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Irvine Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

332.2 POLICY

It is the policy of the Irvine Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

332.3 REGISTRATION

The Special Investigations Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

332.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

332.4 MONITORING OF REGISTERED OFFENDERS

The Special Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

Irvine Police Department

Policies

Registered Offender Information

The Special Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Irvine Police Department personnel, including timely updates regarding new or relocated registrants.

332.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Irvine Police Department's website. Information on sex registrants placed on the Irvine Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

332.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

Irvine Police Department

Policies

Registered Offender Information

332.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).



Irvine Police Department

Policies

Irvine Police Department

Policies



Irvine Police Department

Policies



Irvine Police Department

Policies



Irvine Police Department

Policies

Irvine Police Department

Policies



Irvine Police Department

Policies

Aircraft Landings at the Orange County Great Park

338.1 PURPOSE AND SCOPE

As a former operational airport, the runways at the Orange County Great Park are often used by pilots attempting emergency aircraft landings. This policy describes the responsibility of responding officers when an aircraft makes a successful emergency landing at the Orange County Great Park. If the landing is unsuccessful and the aircraft is damaged or destroyed, officers should refer to the Aircraft Accidents policy.

338.2 RESPONDING OFFICERS' RESPONSIBILITIES

Responding officers' primary responsibility is to ensure the aircraft is safely parked, attend to any injured parties in the aircraft or on the ground, make proper notifications, and document the landing. To accomplish this, responding officers should:

- (a) Take necessary precautions to ensure their own safety and the safety of other persons responding to the scene.
- (b) Determine the nature of the landing and what assistance is needed from additional personnel.;
- (c) Determine if there are injured parties in the aircraft or on the ground and take the appropriate actions to attend to the injured.
- (d) Ensure the aircraft is parked and its engine is shut down.
- (e) Cordon off the aircraft and prevent non-involved persons from interfering in the incident.
- (f) Notify their immediate supervisor of the landing and the circumstances that necessitated the landing at the OCGP.
- (g) Interview the pilot to determine the reason for the landing and complete an incident report to document the landing.
- (h) Make the appropriate notifications as articulated in this policy.
- (i) Not allow the aircraft to taxi or takeoff.

338.3 SUPERVISOR'S RESPONSIBILITIES

Supervisors responding to an aircraft landing at the Orange County Great Park should ensure that all proper notifications of the event are made, including:

- (a) Command Notification
- (b) Great Park Sergeant
- (c) Great Park Operations Manager
- (d) Federal Aviation Administration

Irvine Police Department

Policies

Aircraft Landings at the Orange County Great Park

338.4 AIRCRAFT GROUND MOVEMENT AND TAKEOFF

An aircraft should only be allowed to taxi if the aircraft's position upon the officer's arrival constitutes a significant risk to other persons or property at the Orange County Great Park. If an emergency situation were to require the movement of an aircraft, officers should select a parking location that is:

- (a) Secure from pedestrians and other vehicle traffic on the runways.
- (b) Isolated from combustible materials, such as buildings, vehicles, or foliage.
- (c) Readily accessible to IPD and OCFA.
- (d) Conducive to allowing a mechanic to perform repair work.
- (e) Prepared to handle HAZMAT spillage (not uphill from a storm drain or sewer, etc).

At no time shall an officer allow an aircraft, excluding law enforcement, fire services, or military aircraft not in distress, to take off from the Orange County Great Park. Once an aircraft has landed, it can only take off with the authorization of Orange County Great Park management.

Once a pilot has obtained authorization from Orange County Great Park management to take off from the Park, officers will be requested to secure the runways prior to the take-off. Officers should use their lights and siren and public address system to clear people and vehicles off of the runways in advance of the take off. Officers should then stage in an advantageous position to view the runways and runway access points to intercept any persons or vehicles that may attempt to gain access to the runway while the aircraft is taxiing and taking off. Once the aircraft is safely airborne, officers may clear the runways and allow activity to return to normal.

338.5 DOCUMENTATION

If the responding officer determines that criminal activity has occurred, s/he shall complete the appropriate crime report as articulated in the Report Preparation policy.

If no criminal activity has occurred, the responding officer shall complete an incident report documenting the aircraft landing. The report shall include the details of the landing, the nature of the emergency that necessitated the landing, identification of the aircraft (make, model, color, and registration [tail] number), registered owner of the aircraft, and complete information of the pilot, including the pilot license number, and any passengers. Law enforcement, fire services, and military aircraft not in distress are generally excluded from this documentation requirement, unless, in the opinion of the responding officer and/or her/his supervisor, the landing should be documented.

Unmanned Aircraft System (UAS)

339.1 PURPOSE AND SCOPE

The mission of the Irvine Police Unmanned Aircraft System (UAS) is to assist police personnel in enhancing public safety while protecting the rights and privacy of the general public.

Department personnel shall make every effort to avoid invading a person's reasonable expectation of privacy when operating a UAS. When operating a UAS, the Irvine Police Department will abide by all Federal Aviation Administration (FAA) regulations for flight and will obtain the proper authorization for flight. Additionally, the need, availability and use of the UAS will not supersede the issuance of a warrant when otherwise required.

Managers, supervisors, operators and visual observers involved in the deployment of a UAS will consider the protection of individuals' civil rights and reasonable expectation of privacy as a key component of any decision made to deploy the UAS. UAS Remote Pilot in Command, Pilots and Visual Observers will ensure operations of the UAS intrude as little as possible upon those who live, work and visit the City of Irvine.

339.2 POLICY

To accomplish this primary goal, the Irvine Police Department will adhere to the following:

Authorized use of Department UAS include:

1. Aerial photography and video for:
 - (a) Static crime scenes or traffic collision investigations for evidence collection purposes.
 - (b) Social media, marketing materials and publications for public relations purposes.
2. Natural disaster evaluation and response.
3. Searches for missing persons, suspects or articles (such as weapons) within established police perimeters or search zones when deployment is intended to enhance the safety of officers, suspects, victims or the community at large.
4. Enhancement of animal and officer safety by mapping and identifying wildlife paths of travel in unpopulated areas.
5. Roof checks in response to burglar alarms or calls for service, where access is difficult, and when deployment is intended to enhance the safety of officers, suspects, victims or the community at large.
6. Deployment during SWAT operations or high-risk warrant service when deployment is intended to enhance the safety of officers, suspects, victims or the community at large.
7. Training in an environment closed to the public.

When the drone is being flown pursuant to any authorized use above, the onboard cameras will be turned to face away from occupied structures as feasible or the recording function will be turned off to minimize inadvertent video or still images of uninvolved persons. However, it is recognized

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

that under certain exigent circumstances threatening public or officer safety, the aforementioned efforts may not always be possible or appropriate.

Unauthorized use of Department UAS include:

1. Surveillance of any person or persons who are not suspects in an active criminal investigation.
2. Monitoring, photographing or videoing lawful protests, demonstrations, rallies, marches or other expressions of free speech.
3. Routine usage of UAS by police personnel for searches or area checks when less intrusive methods are available and can be achieved without compromising public safety.
4. Following suspects who are evading law enforcement.
5. Routine warrant service (a warrant service that does not involve SWAT and is not considered "high risk," as determined by an Investigations Lieutenant or SWAT commander).
6. Traffic enforcement purposes (i.e., drone will not be used to covertly monitor intersections for traffic violations or pace vehicles to calculate speed).
7. Boxing-in, or blocking the path of any suspect or any other person.
8. Arming any drone with any form of lethal or less-lethal weapon.

Notwithstanding the uses or restrictions above, the Chief of Police or his or her designee must approve any other use.

339.2.1 DEFINITIONS

1. Federal Aviation Administration (FAA). The national aviation authority of the United States, with powers to regulate all the aspects of aviation in the U.S.
2. An Unmanned Aircraft System (UAS) is an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft (Public Law 112-95, Section 331(8)).
3. UAS Pilot is the person who is piloting (physically) the flight of the UAS.
4. UAS Team is the team of authorized personnel associated with operation of Unmanned Aircraft Systems.
5. UAS Visual Observers (VOs) are ground-based observers who assist with operations and will assist the remote pilot in command (RPIC) to utilize the "see and avoid" technique by scanning the area for air traffic or possible hazards.
6. Remote Pilot in Command (RPIC) is the person who is ultimately responsible for the safe operation of the UAS and the public's safety during the flight whether physically piloting the UAS or monitoring another authorized pilot.

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

339.3 MANAGEMENT / SUPERVISION OF UNMANNED AIRCRAFT SYSTEM (UAS)

The Department Operations Commander, or his/her designee, shall serve as the UAS Team's supervisor and is responsible for the overall management of the team. Given the technical nature of aviation, the UAS Team's supervisor may, at his or her discretion, assign responsibility for UAS operations to a Team Leader with the necessary knowledge, skills and abilities to safely and effectively manage the day-to-day operation of the UAS Team.

In consultation with the UAS Team Leader, the deployment of a UAS shall only be for authorized missions and by the approval authority depicted in the below matrix:

Authorized UAS Missions	Approval Authority	Deployment Guideline
Photography for social media, Department publications and branding	Command Staff	Static
Natural disaster evaluation and response	Command Staff	Dynamic
Mapping crime scenes and traffic collision investigations	Sergeant or above	Static
Search for missing person(s)	Command Staff	Dynamic
Animal Services mapping and location of wildlife paths of travel in unpopulated areas	Command Staff	Static
Deployment during Special Weapons and Tactics (SWAT) operations or high-risk warrant service	Command Staff	Dynamic
Training	Command Staff	Static
Roof checks in response to burglar alarm calls for service	Sergeant or above	Static
Searches for suspects or articles such as weapons within established police perimeters	Sergeant or above	Dynamic
Any other use	Chief of Police or his/her designee	As Directed

339.4 DEPLOYMENT GUIDELINE

Static

A static situation is one in which the UAS could be deployed in an environment controlled by members of the Irvine Police Department (IPD) and in a manner that is relatively non-intrusive to the general public, yet provides a benefit and value to IPD and its mission. A static situation must meet the following requirements:

1. The area under the airspace where the UAS is operating is clear of persons who are not directly participating in the operation of the UAS unless they are in a stationary

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

vehicle or structure that can provide reasonable protection from a falling UAS (FAA Part 107.39).

2. Steps must be taken to exclude non-participatory persons from entering the area under the UAS operation.
3. The incident that precipitated the UAS deployment is not an in-progress crime or a search for a person (suspect or otherwise).
4. Deployment of the UAS in a static situation would require at least two personnel:
 - (a) Remote Pilot in Command (RPIC)
 - (b) Visual Observer (VO)
 - (c) Additional personnel may be required based on the evaluation of the operation by the RPIC (such as a cover officer for the UAS team).

Dynamic

A dynamic situation is one in which the drone could be deployed in a less than stable or volatile situation. The area under the UAS may not be completely secured by IPD personnel and, therefore, may require flying over persons or under rapidly changing conditions. These may include situations that involve imminent threat to life or great bodily injury. A dynamic situation will require increased situational awareness and coordination with the UAS Team members and the Incident Commander. A dynamic situation is any situation that does not meet the definition of a static situation. Examples of a dynamic situation include, but are not limited to:

1. Any incident involving a SWAT callout, or SWAT/Crisis Negotiation Team (CNT) involvement.
2. Any incident involving the use of a UAS for Search and Rescue (SAR).

Personnel guidelines for deployment of the UAS in a dynamic situation:

1. As in a static situation, there must be at least two team members, a RPIC and a VO, assigned to the operation.
2. Due to the volatile and changing nature of a dynamic situation, it is very likely that more personnel will be required to safely and effectively execute the mission.
3. Additional considerations:
 - (a) Additional VOs may be needed due to buildings and other obstructions.
 - (b) Cover officer(s) to ensure the safety of the operation within the context of the specific incident and security of the UAS Team.
 - (c) It may be preferable to locate the UAS Landing Zone/Base of Operation away from the Command Post.
 - (d) Reliable method of communication between RPIC and VOs.
 - (e) A dedicated VO to operate the camera on the UAS.

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

339.5 UAS TEAM LEADER

The UAS Team Leader is responsible for the following:

1. Ensuring all UAS Team members understand applicable regulatory requirements, standards, and organizational safety policies and procedures.
2. Observe and control safety systems through monitoring and supervision of UAS Pilots and Visual Observers.
3. Measure RPIC and VO performance and compliance with organizational goals, objectives and regulatory requirements.
4. Review the standards and practices of agency personnel as they impact flight safety.
5. Ensure that RPICs, Pilots and VOs receive the proper training to fulfill the duties of their respective roles.
6. Act as the Flight Safety Officer or designate a member of the UAS Team to fulfill the role of the Flight Safety Officer. The Flight Safety Officer will provide the UAS Team with up-to-date safety information, conduct training session debriefs, identify safety-related concerns and corrective actions, and reinforce that safety is the responsibility of all members of the UAS Team.

339.6 UAS PILOTS AND VISUAL OBSERVERS

UAS Team must acquire a valid FAA Part 107 Certification within 120 days of joining the UAS Team. On any given mission, a UAS team member may be called upon to perform the duties of either a UAS Pilot or a UAS Visual Observer. UAS Team members must maintain proficiency in the operational standards of both positions. The Chief of Police is responsible for determining the number of certified personnel necessary to best serve the Department's needs.

The primary duty of a UAS Pilot is to operate the drone in a safe and effective manner in accordance with FAA regulations and Department procedures. Pilots must remain knowledgeable of all of the above guidelines at all times.

The primary duty of a VO is to coordinate operations between the UAS and ground personnel. The VO will also identify risks to police personnel, the public and property, including the drone, and take immediate steps to coordinate with the RPIC to mitigate or avoid those risks.

In order to fly a mission (other than flights required for training or currency), pilots must have completed three (3) currency events within the previous 90 days. Currency events include landings, takeoffs and simulator flights.

339.7 UAS FLIGHT CREW RESPONSIBILITIES AND COORDINATION

339.7.1 UAS REMOTE PILOT IN COMMAND RESPONSIBILITY

1. The UAS Remote Pilot in Command, in conjunction with the approving authority, is directly responsible for and is the final authority over the operation of the UAS.
2. UAS Pilots and Remote Pilots in Command have the absolute authority to reject a flight due to weather, aircraft limitations or physical conditions. No member of the Irvine

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

Police Department, regardless of rank, can order a UAS Pilot to conduct a flight when, in the opinion of the Pilot, it would be too unsafe to do so.

3. UAS Pilots are responsible for compliance with FAA regulations and the Irvine Police Department UAS Policy.
4. Pilots shall communicate as warranted with Air Traffic Control (ATC) and other aircraft. When under the control of ATC, the Pilot will not monitor law enforcement radio communications.
5. Pilots shall be responsive to the requests of the UAS Visual Observer in order to accomplish the mission.
6. Pilots shall be responsible for documentation for mission training and updating of flight books.

339.7.2 UAS VISUAL OBSERVER RESPONSIBILITY

1. See and avoid any obstacle that will reduce safety during the mission or training.
2. UAS Visual Observers are responsible for the law enforcement aspect of the deployment.
3. Operate any attachments to the drone, allowing the UAS Pilot to maintain complete focus on the operation of the drone.
4. Remain alert for suspicious persons or activities on the ground and coordinate response by ground units. UAS Visual Observers shall monitor radio updates.
5. Assist the UAS Pilot to achieve safe operation of the drone.

339.7.3 UAS FLIGHT CREW COORDINATION

1. The UAS Pilot and UAS Visual Observer will work closely to form the crew that will ultimately accomplish mission objectives.
2. The UAS Pilot and UAS Visual Observer are the custodians of evidence. In this capacity, they are responsible for the safeguarding and proper processing of any evidence including, but not limited to, digital imagery to include still and video images.
3. In the interest of safety, both the UAS Pilot and Visual Observer must be comfortable with any decision made while working as a crew. This begins when deciding whether to accept the mission and continues throughout the mission.
4. Every UAS crew member has an obligation to communicate any concerns to the UAS Team Leader, Remote Pilot in Command or UAS supervisor prior to flight.
5. UAS Visual Observers have the right, as well as the responsibility, to question the UAS Pilot whenever they do not understand something, or are uncomfortable with certain procedures, weather, mission parameters, etc.

339.8 PREFLIGHT AND FLIGHT PROCEDURES

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

339.8.1 PREFLIGHT PROCEDURE

Preflight procedures will be conducted prior to each flight mission and will be done in accordance with the checklist prepared by the Irvine Police Department UAS Team Leader and in accordance with the manufacturer's recommendations. Any issues found during the preflight procedures should be documented in the UAS log and it will be the decision of the UAS Pilot to determine if the issue will alter the safe flight and operation of the drone.

339.8.2 LAUNCH PROCEDURES

1. Prior to the launch of the UAS, the Pilot is responsible for ensuring the checklist is completed and the aircraft ground station is safe to operate.
2. The UAS Pilot will communicate with the Visual Observer to confirm the area is visibly clear of any low-flying air traffic, hazardous obstacles or safety hazards prior to takeoff.
3. As warranted, the UAS Pilot is responsible for notifying the John Wayne Air Traffic Control Tower (or other appropriate FAA facility), in accordance with the rules and guidelines set forth by the FAA.

339.9 POSTFLIGHT AND FLIGHT PROCEDURES

339.9.1 POST LAUNCH

1. Although the drone can fly autonomously, the UAS Pilot and Visual Observer will monitor the aircraft, base station and payload systems to ensure the drone is flying as designed and maintains the proper altitude.
2. After takeoff, UAS crew members shall perform tasks according to their job assignment, while communicating clearly and effectively to monitor the drone as it climbs to the desired mission altitude.

339.9.2 LANDING PROCEDURES

1. The Pilot will determine if the objectives of the mission are complete or if the mission is too unsafe to continue prior to landing the aircraft.
2. The Pilot will confirm with the Visual Observer as necessary that the flight path to the "return home" location is clear prior to giving the command for the UAS to "return home."
3. The Visual Observer will monitor the aircraft as it is landing to ensure a proper landing. If the aircraft is not landing as desired or commanded, the VO will notify the Pilot, who will determine whether to abort the landing.
4. As warranted, it will be the responsibility of the RPIC to ensure contact with the John Wayne Air Traffic Control Tower or proper tower in accordance with FAA guidelines to advise completion of the mission.

339.10 UAS COLLISIONS

1. If a collision occurs during the operation of the UAS and results in serious injury to any person, any loss of consciousness, or if it causes damage to any property (other

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

than the UAS) in excess of \$500 to repair or replace the property, notification shall be made to the Flight Standards District Office located in Long Beach within 10 days, per FAA guidelines.

- (a) Flight Standards District Office for Orange County https://www.faa.gov/about/office_org/field_offices/fsdo/lgb/
 1. Long Beach Flight Standards District Office (562) 420-1755 - Office Address: 5001 Airport Plaza Drive, Long Beach, CA 90815
 2. While at the scene, the Remote Pilot in Command shall notify the UAS supervisor or the Incident Commander, who shall respond to photograph or direct CSI to photograph the collision scene and any resulting injuries or property damage. The Remote Pilot in Command shall be responsible for completing an Incident Report to the UAS Supervisor describing the incident and damage. If the collision results in less than \$500 in damage, or the only damage is to the UAS, an Incident Report shall be completed by the Pilot and notification to the UAS Supervisor shall be made. In either case, the UAS Supervisor shall conduct or direct a review of the collision and determine if the collision could have been prevented through maintenance, training, etc., and ensure all necessary paperwork has been submitted. As warranted, the UAS Supervisor should contact the City's Risk Management Administrator.

339.11 MAINTENANCE

A properly maintained UAS is essential to its safe operation. Compliance with the preflight checklist, postflight inspection and the immediate repair of mechanical problems will ensure the availability and safety of the Department's UAS.

The UAS Team Leader will designate a UAS Maintenance Officer who will coordinate maintenance for the UAS. This assignment can be in addition to other duties of a team member or someone outside the UAS Team. If possible, maintenance will be scheduled when it will have the least impact on operations. The Maintenance Officer shall notify the UAS Supervisor and UAS Team Leader of the operational status of the UAS. The Maintenance Officer shall be responsible for keeping the UAS maintenance record updated.

339.12 TRAINING

1. All members within the UAS Team who will act as a UAS Pilots, RPICs or VOs, shall be trained and will maintain proficiency in their pilot/observer abilities. Each UAS Team Member shall be a certified Part 107 operator in accordance with FAA requirements and standards within 120 days of joining the team. The UAS Pilot will stay proficient in the job function by participating in monthly scheduled Department training sessions. During these training sessions, the UAS Pilot will be required to fly a qualification course with a passing score. All members of the UAS Team will maintain proficiency by participating in monthly training. The training will include a qualification course and skills-based exercises consistent with Public Safety deployment scenarios. A UAS Pilot who does not have any documented training or flight time within a span of 90 days (due to vacation, court appearance, etc.) will have to show proficiency prior to any deployment, and the Supervisor or Team Leader may suspend his/her duties until

Irvine Police Department

Policies

Unmanned Aircraft System (UAS)

the pilot has had updated training and completed a qualification course. The UAS Pilot can also utilize a simulator program (if available and with approval) to stay proficient if there are scheduling issues or a lack of flight training due to weather.

2. Data Retention: With the exception of training and demonstration purposes, when the UAS is utilized to capture video or still images the recordings shall be reviewed for evidentiary value. Any items of evidentiary value shall be downloaded and booked as evidence under the related case number. Audio and/or images captured by a UAS and booked as evidence shall be retained in accordance with Irvine Police Department property and evidence policy 8.02.
3. Documentation: The UAS Remote Pilot in Command or an involved crew member shall document all flights on a UAS Utilization Form. The documentation shall, at minimum, include:
 - (a) All flight times, hours and locations (flight path if available)
 - (b) Reason for the flight
 - (c) Roles of the personnel and name of approving supervisor
 - (d) Any additional relevant information to the mission
4. Statistics: The UAS Team Leader should submit statistics to the UAS Commander for review each month. These reports should include:
 - (a) Number of flights
 - (b) Personnel involved
 - (c) Total flight time
 - (d) Any maintenance completed
 - (e) The number of flights resulting in the collection and retention of data and any additional relevant information regarding missions performed
 - (f) Training exercises

339.13 STORAGE

UAS and associated equipment shall be stored in a secured location within the Irvine Police Department or approved offsite location and UAS shall not be operated for personal use.

Communications with Persons with Disabilities

340.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

340.2 POLICY

It is the policy of the Irvine Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

340.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

340.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Office of Professional Standards Lieutenant or the authorized designee.

Irvine Police Department

Policies

Communications with Persons with Disabilities

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Irvine Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each watch commander and Communications Bureau Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

340.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

Irvine Police Department

Policies

Communications with Persons with Disabilities

340.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Irvine Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

340.6 TYPES OF ASSISTANCE AVAILABLE

Irvine Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Communications with Persons with Disabilities

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

340.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

340.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

340.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

Irvine Police Department

Policies

Communications with Persons with Disabilities

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

340.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

340.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

340.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

Communications with Persons with Disabilities

340.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

340.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

340.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

Irvine Police Department

Policies

Communications with Persons with Disabilities

has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

340.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

340.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

340.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

Communications with Persons with Disabilities

340.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

340.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications Bureau members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Victim and Witness Assistance

341.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

341.2 POLICY

The Irvine Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Irvine Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

341.2.1 REPORTING

Irvine Police Department personnel completing any crime report shall check the appropriate box on the face page if a Victims' Resource Guide was provided. In the event a victim is not provided with a resource guide, the narrative of the report shall contain an explanation as to why it was not provided.

341.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Irvine Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses. The Waymakers Victim Advocate is designated as the department's victim liaison.

341.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with his/her contact information (Government Code § 13962).

Irvine Police Department

Policies

Victim and Witness Assistance

- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 - 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Irvine Police Department jurisdiction (Penal Code § 680.2).

341.3.2 WAYMAKERS VICTIM ADVOCATE RESPONSIBILITIES

The Irvine Police Department contracts with Waymakers to provide a dedicated victim advocate. The overarching purpose of this advocate is to provide prompt, compassionate and comprehensive services to victims of crime. While the Waymakers advocate may serve all victims, victims of domestic violence, sexual assault, hate crimes or other violent crimes should be given priority.

The Waymakers victim advocate shall be responsible for reviewing all cases of domestic violence, sexual assault and other violent crimes. The advocate should work in conjunction with the case detective to ensure each of these victims is contacted and offered services. If the victim of domestic violence, sexual assault, hate crime or other violent crime is a UC Irvine student, it shall be the responsibility of the Waymakers victim advocate to make the victim aware of U.C. Irvine's C.A.R.E. (Campus Assault Resources and Education) Office. The advocate may also seek the victim's consent to release contact information to the C.A.R.E. Office.

More specifically, the Waymakers victim advocate will be responsible for providing:

- (a) Crisis intervention
- (b) Emergency assistance for food, clothing, shelter or medical care
- (c) Emergency transportation
- (d) Resource and referral information
- (e) Assistance obtaining a restraining order
- (f) Orientation to the criminal justice system
- (g) Obtaining restitution
- (h) Filing for victim compensation through the State of California

It is also expected the Waymakers victim advocate, from time to time, will ride-a-long with a field sergeant, respond to violent crimes, provide immediate crisis counseling as necessary, and provide resource and contact information to victims for future use.

341.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Based on the nature of the crime, the investigating Department employee should take the time to explain the various resources available to the victim, and direct the victim to the pages in the pamphlet that contain information relevant to the victim's particular crime.

Irvine Police Department

Policies

Victim and Witness Assistance

For victims of domestic violence, sexual assault, hate crimes, and other violent crimes, personnel taking initial crime reports should inform these victims about our dedicated contract Waymakers Victim Advocate, briefly explain what services this person can offer, and how this advocate may be contacted.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

341.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

341.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.

Irvine Police Department

Policies

Victim and Witness Assistance

- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

341.5.1 VICTIM SERVICES PARTNERS

Meeting the needs of victims is dependent upon the mutual teamwork and cooperation of victim advocates, law enforcement officials, District Attorney Personnel and others. Officers should familiarize themselves with our community partners who work in collaboration with us to ensure seamless service to victims as they progress through the criminal justice system. These partners include:

- (a) **Waymakers / Victim Assistance Programs:** Victim Assistance Programs is recognized by the State of California and the County of Orange as the institutionalized victim service agency charged with the responsibility to provide comprehensive service to all victims of crime. The Irvine Police Department contracts with Waymakers for a full-time victim advocate, who works out of the Centralized Investigations Division, and who is dedicated to serving victims in the City of Irvine.
- (b) **Waymakers / Crisis Response Team (CRT):** The Waymakers Crisis Response Team is a branch of Victim Assistance Programs. This unit is available to respond in the wake of critical incidents, such as murders, affecting a family or a neighborhood. CRT counselors will offer short and long term crisis counseling to family members, friends, neighbors and others who may be experiencing post-traumatic stress or other issues.
- (c) **Human Options:** This agency offers emergency shelter for women who are victims of domestic violence and their children. Human Options also operates a 24-hour domestic violence hotline and has staff that specializes in counseling and community outreach.
- (d) **Trauma Intervention Programs, Inc. (TIP):** TIP can be called out in the wake of any traumatic incident, such as a serious crime, a traffic collision, or a suicide. TIP volunteers generally respond within one-half hour and offer short-term crisis counseling for the victim, and friends and family members.
- (e) **Irvine Police Chaplain Program:** Department Chaplains should be considered when dealing with victims and their friends and family members who have been impacted by any traumatic incident or crime.
- (f) **FOR Families:** Operated by City of Irvine's Community Services Department, this unit is available to assist individuals and/or families with relationship problems, family

Irvine Police Department

Policies

Victim and Witness Assistance

violence, marital difficulties, drug and alcohol abuse, adolescent issues, stress and depression and financial assistance referrals. Officers may provide a FOR Families blue handout in conjunction with a Victims' Resource Guide. When investigating domestic incidents, or other incidents not amounting to a crime, officers should provide the involved party with a FOR Families handout, if they believe the person may benefit from the services offered.

- (g) **SAFE Place (Anaheim Regional Medical Center):** This is the location where every adult victim of a sex crime can receive a forensic examination. Waymakers Victim Assistance Programs are present at the forensic exam to offer the victim support, guidance and counseling.
- (h) **Child Abuse Services Team (CAST):** CAST is operated by Orange County Department of Social Services and provides support in the form of forensic interviews and medical examinations of children who are suspected of being sexually abused.
- (i) **Crime Survivors, Inc. Victim Emergency Bags:** Crime Survivors, Inc., provides victim emergency bags which are stored in the trunks of most of the marked units. There are both adult and child bags. These bags contain various items victims of sexual assault, domestic violence, child abuse and other violent crime may find comforting. Officers may provide these bags to victims at their discretion.
- (j) **Department of Social Services:** This County agency can work in conjunction with law enforcement to ensure the safety of children and elders in cases involving child abuse, child sexual abuse and elder abuse.
- (k) **Victim Information and Notification Everyday (VINE) Program:** When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Irvine Police Department Victim's Resource Guide.

The majority of the preceding list of resources is presented in the Victim Resource Guide. Officers investigating criminal matters should consider the victim's individual needs when providing the Guide and make every effort to explain relevant services and resources.

341.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

341.7 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

All cases involving domestic violence, sexual assault, hate crimes or other crimes of violence shall be assigned to a detective. It shall be the responsibility of the assigned detective to:

- (a) Review each case.

Irvine Police Department

Policies

Victim and Witness Assistance

- (b) In conjunction with the Waymakers Victim Advocate, assess what resources or support may be required of the victim.
- (c) In conjunction with the victim advocate, ensure the victim receives any needed support or resources.

The Criminal Investigations Division Lieutenant is responsible for reviewing this policy at least annually and updating it as needed. The Investigations Lieutenant is also responsible to, at least annually, review the Victims' Resource Guide and Card to ensure it is up to date and contains current resource information.

341.8 RECORDS DIVISION RESPONSIBILITIES

The Records Bureau supervisor shall be the liaison to the local Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. The Records Maintenance and Release policy in this manual regarding release of reports shall be followed in all cases.

Community Relations

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy
- Limited English Proficiency Services Policy
- Communications with Persons with Disabilities Policy
- Chaplains Policy
- Patrol Function Policy
- Suspicious Activity Reporting Policy

342.2 POLICY

It is the policy of the Irvine Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

342.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Communications Bureau of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Communications Bureau of their location and status during the foot patrol.

342.4 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Youth Services Supervisor should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

Irvine Police Department

Policies

Community Relations

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling)
- (b) Youth leadership and life skills mentoring
- (c) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs

342.5 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills
- (b) Cultural, racial and ethnic diversity and relations
- (c) Building community partnerships
- (d) Community policing and problem-solving principles
- (e) Enforcement actions and their effects on community relations

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Anti-Reproductive Rights Crimes Reporting

343.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

343.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

343.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Records Division supervisor.
- (c) By the tenth day of each month, it shall be the responsibility of the Records Division supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

Irvine Police Department

Policies

Anti-Reproductive Rights Crimes Reporting

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Native American Graves Protection and Repatriation

344.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

344.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

344.2 POLICY

It is the policy of the Irvine Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

344.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Irvine Police Department

Policies

Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

344.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Limited English Proficiency Services

345.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

345.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Irvine Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

345.2 POLICY

It is the policy of the Irvine Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

345.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

Irvine Police Department

Policies

Limited English Proficiency Services

345.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Irvine Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each watch commander and Communications Bureau Supervisor. The list should include information regarding the following:
 1. Languages spoken
 2. Contact information
 3. Availability
- (d) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (e) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (f) Receiving and responding to complaints regarding department LEP services.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

345.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

Irvine Police Department

Policies

Limited English Proficiency Services

- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

345.5 TYPES OF LEP ASSISTANCE AVAILABLE

Irvine Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

345.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

345.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

345.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

Irvine Police Department

Policies

Limited English Proficiency Services

345.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

345.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

345.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Irvine Police Department

Policies

Limited English Proficiency Services

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

345.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

345.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Irvine Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

345.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Bureau, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Irvine Police Department

Policies

Limited English Proficiency Services

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

345.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

345.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

Limited English Proficiency Services

345.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

345.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

345.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

345.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

345.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

Irvine Police Department

Policies

Limited English Proficiency Services

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

345.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Service Animals

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

346.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

346.2 POLICY

It is the policy of the Irvine Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

346.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

Service Animals

schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

346.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Irvine Police Department affords to all members of the public (28 CFR 35.136).

346.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

346.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

346.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

346.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service

Irvine Police Department

Policies

Service Animals

animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).



Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies



Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

Irvine Police Department

Policies

800 MHz Radio Coverage - Response Protocol

349.1 PURPOSE AND SCOPE

There are known multi-family residential complexes within our jurisdiction in which the issued Motorola 800 MHz radio system cannot receive or transmit voice communications due to physical barriers. The physical barriers and locations are primarily associated with diminished radio coverage in subterranean parking areas. The Irvine Police Department recognizes the importance to communicate using the 800 MHz radio system in all areas of the City. The department is currently addressing the identified areas and is committed to taking all necessary steps to implement reliable technology-based solutions to ensure consistent radio coverage.

In the interim, it is important that administrative controls be established to provide guidelines to manage and mitigate risk when officers respond to areas known not to have radio coverage, or areas where the ability to transmit or receive radio broadcasts is intermittent.

349.2 TERMS DEFINED

For the purpose of this policy, "Poor Radio Coverage Location" means any identified location or area in which transmitting or receiving radio broadcasts is either not possible or only intermittently possible, due to physical structures or other reasons.

Irvine Police Department

Policies

Public Alerts

350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

350.1.1 DEFINITIONS

Abduction - is any child under the age of 18-years, who has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.

350.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, Alert OC messages, Wireless Emergency Alerts (WEA), television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

350.3 RESPONSIBILITIES

350.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Irvine Police Department should notify their supervisor, watch commander or Investigations Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

350.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Press Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

Irvine Police Department

Policies

Public Alerts

350.3.3 EMERGENCY TELEPHONE NOTIFICATION SYSTEM - ALERT OC

The emergency telephone notification system (Alert OC) is an internet based emergency warning system that assists Department personnel in making concise, essential emergency notifications in a timely manner.

See attachment: [Alert OC Message Templates.pdf](#)

350.4 WIRELESS EMERGENCY ALERTS (WEA)

Wireless Emergency Alerts (WEA) may be issued for severe weather events, police activity, or any natural or human-caused incident or hazard which poses a threat to public safety and where a protective action is necessary.

350.4.1 ACTIVATION CRITERIA FOR ISSUING WIRELESS EMERGENCY ALERTS (WEA)

The following activation criteria shall be taken in to consideration and weighed by the Incident Commander or appropriate staff when considering the use of WEA:

- (a) Severity: There must be a significant threat to public safety and life.
- (b) Public Protection: There must be a need for the public to take a protective action.
- (c) Warning: There must be a need to provide warning information to the public.
- (d) Timing: The situation must require immediate public knowledge to avoid adverse impacts.
- (e) Geographic Area: The situation must be limited to a defined geographic area.
- (f) Traditional Media Inadequate: Other forms of traditional media and social media are not viable alternatives for timely delivery of emergency notification for the incident.

350.4.2 PROCEDURE FOR ISSUING A WEA DIRECTLY (IPD ACCESS)

The supervisor in charge will ensure the following:

- (a) Determine whether the incident necessitates use of WEA by evaluating the "Activation Criteria" as contained in this policy.
- (b) If the use of WEA is determined to be warranted and approval is obtained by the on duty Command Officer, the supervisor in charge or other appropriate staff shall establish contact with the Emergency Management Administrator, Communications Manager, or Supervising Dispatcher with WEA administrative privileges,
- (c) The supervisor in charge will provide details sufficient enough for the WEA administrator to develop an appropriate message and select the appropriate geographic area for distribution.
- (d) When timing permits, notification should be made to the Orange County Sheriff's Department (OCSD) via Control One regarding the intent to distribute the WEA message. NOTE: This courtesy notification **IS NOT** a prerequisite for message distribution when a hazard posing imminent threat to life safety is present.
- (e) When timing permits, the WEA Administrator should have the draft WEA message reviewed by one other person to confirm that message is clear and the targeted geographic area is appropriate.

Irvine Police Department

Policies

Public Alerts

In the event that all access to WEA systems are down, the on duty Command Officer may make a request to the Orange County Sheriff's Department (OCSD) via Control One to have a message sent on the department's behalf. When making this request, the requestor should follow the following process:

- (f) Notification is made to the Orange County Sheriff's Department Watch Commander or Control One Supervisor of the need to issue a WEA.
- (g) Completion of the Orange County Operational Area Integrated Public Alert and Warning System (IPAWS) and Wireless Emergency Alerts (WEA) request forms. On the WEA form, the IPD supervisor will specify the geographic region to be notified (i.e. the area within the hazard zone). When crafting the WEA message (on WEA form) the IPD supervisor must include the following:
 - 1. What the threat is (i.e. severe weather, fire, police activity, etc.)
 - 2. Where the threat is (i.e. specific landmarks, cross streets, known areas, etc.)
 - 3. What protective action or measure the supervisor wants the public to take in response to the known threat

The supervisor must sign and submit the IPAWS and WEA request forms via fax or email noted on the forms. [See attachment: 02 OA IPAWS and AlertOC Request Form.pdf](#)

- (h) As a last resort, the supervisor may authorize and provide the message verbally over the phone to Control One if IPAWS and WEA forms are unavailable or inaccessible.

350.5 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

350.5.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

350.5.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:

Irvine Police Department

Policies

Public Alerts

1. The child's identity, age and description
 2. Photograph if available
 3. The suspect's identity, age and description, if known
 4. Pertinent vehicle description
 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
1. The local FBI office
 2. National Center for Missing and Exploited Children (NCMEC)

350.6 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

350.6.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

Irvine Police Department

Policies

Public Alerts

350.6.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 1. The license number and/or any other available description or photograph of the vehicle
 2. Photograph, description and/or identification of the suspect
 3. The suspect's identity, age and description, if known
 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 2. The FBI local office

350.7 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

350.7.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that

Irvine Police Department

Policies

Public Alerts

the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

350.7.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

350.8 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the watch commander or Investigations Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department watch commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department watch commander.
- (c) The Press Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Irvine Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

350.9 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

350.9.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.

Irvine Police Department

Policies

Public Alerts

- (d) HazMat incidents.

350.9.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

Emergency Telephone Notification System - Alert OC

351.1 PURPOSE AND SCOPE

This procedure describes use of the Emergency Telephone Notification System, also referred to in the public safety industry as “Reverse 911” or “Mass Notification”. In the City of Irvine and the County of Orange, this system is referred to as “Alert OC”. This procedure also defines the criteria for system activation and the preferred content of the message to be sent to the community.

351.2 SYSTEM DEFINED

The emergency telephone notification system is an internet based emergency warning system that assists department personnel in making concise, essential emergency notifications in a timely manner. This system allows department personnel, at the direction of the Incident Commander, PIO or Emergency Management Administrator, to initiate a voice message broadcast to an unlimited number of residential and business telephones in predetermined geographic locations or from a pre-defined group. The system utilizes the 911 database to complete the notifications.

The company used by this department to facilitate the Emergency Telephone Notifications System is Everbridge. Also, the Orange County Sheriff's Department Control One can provide message assistance 24/7.

351.3 LEGAL AUTHORITY

Use of the 911 database is regulated by the California Public Utilities Code. The information contained in the 911 database is confidential and proprietary, and therefore shall not be disclosed or utilized except by authorized personnel for the purposes permitted by law. While the system was initially designed for hard-line phones, the public can provide cellular or voice-over Internet Protocol (VoIP) phone numbers for entry into the emergency telephone notification systems database via the City of Irvine's Internet website.

This policy is based, in part, on the authority afforded to local agencies to record, schedule, send, and track voice and text messages in order to provide emergency related information to the public. The development of emergency notification system technologies “to provide information about vulnerabilities and protective measures” is also supported by the United States Office of Homeland Security. Additionally, the “National Emergency Number Association” supports the acquisition and deployment of emergency notification systems to increase homeland security and to address domestic protection concerns.

351.4 ACTIVATION AUTHORITY

Prior to activation of Alert OC, the Incident Commander (the department representative in charge of an incident who is at or above the rank of Sergeant), PIO or Emergency Management Administrator shall adhere to the following protocol:

Irvine Police Department

Policies

Emergency Telephone Notification System - Alert OC

- (a) Determine whether the incident necessitates use of Alert OC by evaluating the “Activation Criteria” as contained in this policy.
- (b) If use of Alert OC is determined to be warranted, the Incident Commander shall develop an appropriate notification message for review and approval by the on-duty Command Officer.
- (c) Evaluate and determine the geographic area or group to receive the notification message.
- (d) The Incident Commander shall receive approval by the on duty Command Officer prior to sending a notification message using Alert OC.
 - 1. In the absence or unavailability of an on-duty Command Officer, the Incident Commander shall follow the notification procedures as defined in the Major Incident Notification Protocol prior to activation of I Alert.
 - 2. The duty Command Officer or designee shall be responsible for immediately notifying appropriate Command Staff regarding the nature of the incident and use of Alert OC.
- (e) Use of the Alert OC Text-to-Speech function is prohibited.

351.5 ACTIVATION CRITERIA

The following activation criteria shall be taken into consideration and weighed by the Incident Commander or appropriate staff when considering use of the Alert OC system.

- (a) Severity: Is there a significant threat to the public life and safety?
- (b) Public Protection: Is there a need for the public to take a protective action to reduce loss of life or substantial loss of property?
- (c) Warning: Will providing warning information assist members of the public in making the decision to take proper and prudent action?
- (d) Timing: Does the situation require immediate public knowledge in order to avoid adverse impacts?
- (e) Geographic Area: Is the situation limited to a defined geographic area? Is that area a size that will allow for an effective use of the system, given the outgoing call capacity?
- (f) Resources: Are other means of disseminating information in a timely manner inadequate or unavailable?

351.6 AUTHORIZED ACTIVATION EVENTS

- (a) Priority Emergency Messages:
 - 1. Barricaded criminal suspects, requiring shelter in place
 - 2. Special Weapons and Tactics responses
 - 3. Active shooter/armed suspect incident
 - 4. Robbery involving a deadly weapon

Irvine Police Department

Policies

Emergency Telephone Notification System - Alert OC

5. Violent rape with an outstanding suspect
 6. Kidnapping or Amber Alert
 7. Aggravated assault with a deadly weapon
 8. Hostage situations or other major police activity, requiring resident action
 9. Bomb threats requiring evacuation or shelter in place
 10. Homeland Security/Attack – impending or actual attack
 11. Aviation incident
 12. Prisoner/custody escapes
 13. Brush or structure fire requiring immediate evacuation
 14. National emergency declared by the President of the United States
 15. Emergency declared by the Governor of the State of California
 16. Other severe emergencies as directed by the Mayor, City Manager or Director of Public Safety
- (b) Priority Notification Messages:
1. Earthquake related information
 2. Severe Weather Alerts issued by the National Weather Services
 3. Local flash flooding or high wind advisories requiring immediate action
 4. Evacuation notices
 5. Shelter openings and locations
 6. Extended water, electrical or gas main breaks or outages
 7. Water quality issues
 8. “All Clear” message
- (c) Public health alerts:
1. Infectious disease outbreak
 2. Immunization/vaccination notices
 3. Biological, chemical, gas or hazardous material alert
 4. Boil-water alerts
 5. Dangerous wild animal alert
- (d) City staff/department notifications and Volunteer Groups:
1. Personnel call back
 2. CERT Activation
 3. IDEC Activation
- (e) Annual Testing Public Opt-In and Groups ONLY

Irvine Police Department

Policies

Emergency Telephone Notification System - Alert OC

351.7 PROHIBITED USES

- (a) Political messages, advertisement or solicitation of campaign contributions
- (b) Non-municipal “for-profit” or “non-profit” activity or solicitation
- (c) Non-official business information (i.e. news, articles, retirement announcements, etc.)
- (d) Messages of a commercial nature
- (e) Routine informational or educational messages

351.8 MESSAGE CONTENT

- (a) Source of the message: The message should clearly identify the person issuing the alert (department, name and rank/title) and indicate the time and date.
- (b) Description of hazard or risk: The warning message shall describe the event that has occurred (or may occur) and the danger that it poses. The hazard should be described in sufficient detail so that all members of the public can understand the character of the threat from which they are to protect themselves.
- (c) Location of the hazard: The message should also describe the geographic areas that are at risk. The details of the location should be described in terms easily understood by the public using well known landmarks and geographic boundaries.
- (d) Guidance for protective actions: The message should include information on what people should do to protect themselves.
- (e) Time available to act: Public warnings must also address the “when” aspect of the response. The warning message should include information on the time available for those in the affected area to take the appropriate protective action.
- (f) Information/status: Where to get further information, if applicable.

351.8.1 SAMPLE ALERT OC MESSAGES

See attachment: [Alert OC Message Templates.pdf](#)

Records Sealing Procedure

352.1 DEFINITIONS

Requests or Court Orders to “seal” an arrest record are authorized by Penal Code (PC) §851 and the California Department of Justice. This policy will outline the department’s policy in processing requests. Requests to seal records may be in different forms or received by the department in a variety of ways. The forms will be of two primary types:

- (a) Court ordered sealing – adult and juvenile
- (b) Citizen requests for sealing – adult and juvenile

352.2 COURT-ORDER SEALING

This is an order of the court for a record to be sealed. It is mandatory and will be handled explicitly as follows:

- (a) Date/time stamp the request upon receipt.
- (b) Log the receipt of the Notice of Sealing in the Petition to Seal and Destroy Records Log.
- (c) Complete a Notice of Records Sealing.
- (d) Send a copy of the Notice of Records Sealing to Investigations, CSI and Crime Analysis.
- (e) Upon receipt of all records, seal according to the Records Bureau procedures.
- (f) Send form notification letters to the arrestee, court, etc., notifying them of the sealing.
- (g) Retain unsealed documents and court order in locked cabinet until destruction date.

352.3 CITIZEN REQUEST FOR RECORD SEALING

This is a request from a private citizen to have the records from their arrest sealed. It is a personal request (not a court order) to have records sealed based on provisions as outlined in PC851.8. A request, whether received by mail or via the front desk, will be handled in the following manner:

- (a) Records Bureau:
 - 1. Date/time stamp the request upon receipt.
 - 2. Forward the request to the Records Bureau Supervisor or designee.
 - 3. Log receipt of the request in the “Petition to Seal and Destroy Records Log” in the Record Bureau Supervisor’s bookcase.
 - 4. Run the requesting party through the Records Management System to verify case number.
 - 5. Complete a cover sheet (Citizen Request for Record Sealing) with the name, date of birth, I.P.D. case number and court number, if available.

Irvine Police Department

Policies

Records Sealing Procedure

6. Fill in a due date for fifteen days from the date of receipt of the request. (The department has 60 days to respond to the request. Failure to respond will be reflected as a formal denial of the request.).
 7. Forward the cover letter and petition, to the Criminal Investigation Division (CID) Lieutenant for review.
- (b) Criminal Investigation Division (CID) Lieutenant - The CID Lieutenant should review the request and forward it to the appropriate area supervisor for review and comment. The review should encompass two areas:
1. Factual Innocence:
 - (a) Factual Innocence can be determined by comparing the case in question to standards of:
 1. Did a crime occur?
 2. Was the defendant responsible?
 3. Was the defendant arrested without cause and subjected unnecessarily to the processes of the court?
 4. The court determined via trial, the defendant is factually innocent.
 5. If the defendant was not involved in the crime or a crime was not committed, his/her factual innocence may be established.
 - (b) Factual Innocence is not established by:
 1. The court fails to file charges
 2. The court's lack of prosecution
 3. The case is dismissed in the furtherance of justice (PC 1385).
 2. Pending Litigation:
 - (a) The reviewing supervisor will contact the Office of Professional Standards to determine if the defendant or co-defendant has filed a claim or civil action against the officers, the department, or the City in the case in question.
 - (b) Records will not be destroyed in a case with litigation pending, or until that action is resolved.
 - (c) The reviewing supervisor will forward the results of the inquiry to the CID Lieutenant. The CID Lieutenant will forward the completed inquiry to the Records Bureau for additional processing.

352.4 SEALING APPROVED

If this is the determination of the department, this action must have concurrence by the District Attorney's Office before proceeding.

Irvine Police Department

Policies

Records Sealing Procedure

- (a) Produce a cover letter to the District Attorney explaining the request and the determination by the department. Establish a response due date thirty days from the date the request was sent.
- (b) Forward the cover letter and complete package via the Court Liaison officer to the District Attorney's Office (Upon return/approval from the District Attorney):
 - 1. Send standard sealing notice to necessary areas of the department.
 - 2. Upon receipt of all records, seal according to the Records Bureau procedures.
 - 3. Notify California Department of Justice.
 - 4. Send form notification letter(s) to arrestee, court, etc., notifying them of the sealing.

352.5 SEALING DENIED

If this is the determination of the department, then the following steps should be followed:

- (a) Remove and destroy the copy of the case from the returned packet.
- (b) Complete standard form denial letter and send to the requesting party.
- (c) Place copy of the request, denial from the CID Lieutenant and the standard form denial letter sent to the requesting party with the case file for future reference.

Media Relations

353.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

353.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, commanders, watch commanders and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

353.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available lieutenant. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a lieutenant or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

353.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Press Information Officer or other designated spokesperson.

Irvine Police Department

Policies

Media Relations

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the watch commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Press Information Officer or designee.

353.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

353.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the watch commander. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger

Irvine Police Department

Policies

Media Relations

the safety of any individual or jeopardize the successful completion of any ongoing investigation

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by a Commander or higher rank (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the watch commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

353.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

Cash Handling, Security and Management

354.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties. The processes articulated in this policy shall be consistent with the provisions of the City Financial Policy.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

354.2 POLICY

It is the policy of the Irvine Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

354.3 PETTY CASH FUNDS

The Chief of Police shall designate one or more persons as the fund manager responsible for maintaining and managing the petty cash fund.

The Records Bureau Supervisor and the Senior Management Analyst assigned to Administration shall be the Petty Cash Custodians. The Petty Cash Custodians will be responsible for the documentation of petty cash disbursements and replenishment of funds.

- (a) Documentation: Removal of any funds from petty cash should be accompanied by appropriate documentation and approvals. For each disbursement, a log entry and the required back-up paperwork (petty cash voucher and receipts or petty cash advance with return receipt and expense reports when appropriate) must be completed.
- (b) Watch Commander's Safe: The safe located in the Watch Commander's office should contain funds to be used for petty cash purposes. The funds located in the Watch Commander's office shall only be used in situations when the Records Division Supervisor is unavailable. The petty cash vouchers, with proper documentation, shall be completed upon the removal of any petty cash funds from the safe. The Operations Support Sergeant shall be responsible for maintaining the records and replenishment of funds.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

Petty cash expenses may be reimbursed up to \$100. Petty cash cannot be used for subscriptions, dues, memberships, vendors with whom we have standing purchase orders, or areas where the City has income tax reporting responsibilities (i.e., clothing reimbursement). Petty cash can be used for business meeting expenses, mileage reimbursement, outside oral board expenses, office and other supplies. Petty cash disbursements shall not be used to circumvent the City's established purchase process.

Irvine Police Department

Policies

Cash Handling, Security and Management

354.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

354.5 PETTY CASH AUDITS

The Office of Professional Standards shall perform an audit no less than once every six months or at least twice per year. This audit requires that the designated auditor and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The designated auditor and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

The City's Finance section, in conjunction with the Office of Professional Standards, shall audit the petty cash accounts on an annual basis.

354.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

354.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Subpoenas and Court Appearances

355.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Irvine Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

355.1.1 DEFINITIONS

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear as directed in the specified court or hearing location may result in disciplinary action.

On Call - When an employee receives a subpoena of a type which does not require him/her to appear in court but rather allows him/her to remain available by phone or wireless device so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Subject to Recall - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or wireless device if called back.

Court Liaison Officer (CLO) – The Court Liaison Officer (CLO) is the Irvine Police Department employee assigned to facilitate communication and transfer official documents and files between various components of the justice system and Irvine Police personnel.

355.2 POLICY

Irvine Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

355.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

Irvine Police Department

Policies

Subpoenas and Court Appearances

- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

355.3.1 SUBPOENA ACCEPTANCE

Authorized department agents described above include front desk personnel and the CLO. Any department employee accepting a subpoena shall immediately provide a copy of the subpoena to the CLO as a copy to the individually named employee.

Subpoena service is also acceptable by courier or CLO from the court to this department. Subpoenas can be served electronically and will be considered served at the time they were sent. The scheduling program, commonly known as ISE, is utilized to deliver subpoena information to employees and track the ongoing status of those delivered subpoenas. Department personnel are responsible for checking ISE and their work email account on each work day for subpoenas issued through the system.

355.3.2 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Irvine Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Irvine Police Department.

The supervisor will then notify the Chief of Police, via the chain of command. The appropriate prosecuting attorney will also be notified in a manner determined by the Chief of Police. The Chief of Police should also determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

Irvine Police Department

Policies

Subpoenas and Court Appearances

355.3.3 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

355.3.4 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

355.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

355.5 STANDBY / ON CALL

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

355.6 COURTROOM PROTOCOL / ATTIRE

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire as listed below:
 1. Sworn Personnel: Officers shall appear either in uniform or wear conservative attire appropriate to a courtroom setting, such as a suit or a coat, dress shirt and tie.
 2. Civilian Personnel: Whenever their appearance is required in court, personnel shall wear conservative attire appropriate to a courtroom setting, such as a suit or a coat, dress shirt and tie.
 3. Forbidden Attire: At no time should casual attire such as shorts, sandals, denim or corduroy slacks, etc. be worn in the courtroom.
 4. Firearms: Firearms carried by personnel who are in plain clothes shall have the Department badge displayed immediately adjacent to any holstered firearm.

Irvine Police Department

Policies

Subpoenas and Court Appearances

- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

355.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

355.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

355.8 EMPLOYEE RESPONSIBILITIES IF UNABLE TO ATTEND COURT

An employee may refuse to accept a subpoena for legitimate reasons, such as illness, previously-approved training, and vacations, which have been scheduled and approved. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. Once a subpoena is accepted, an employee unable to attend the proceeding as directed shall follow the notification protocol below:

- (a) **Illness:** The employee shall notify the CLO as soon as possible.
- (b) **Any other reason:** The employee shall, in the following order:
 1. Prepare a memo to the CLO explaining the conflict.
 2. Obtain a supervisor's approval and signature on the memo.
 3. Forward the memo to the CLO and request the CLO to contact the appropriate DA.

After-hours Property Access

356.1 PURPOSE AND SCOPE

This information establishes a procedure for after-hours emergency access to restricted areas within Property. For the purpose of this procedure, the restricted areas shall be the main property room, the freezer room and the bike cage area.

356.2 GENERAL RESTRICTIONS

A separate Property key shall be designated for after-hours emergency access to the restricted Property rooms/areas. Only the Business Services Administrator and the Administrative Services Division Commander shall have access to this key. Their use of this key shall be limited to after-hours' emergency use only.

After-hours Property Access

356.5 REPORTING REQUIREMENT

All after-hours emergency accesses shall be documented as soon as possible after the emergency situation has been negated. At minimum, the date, time, necessitating circumstances, employee(s) name(s) and serial number(s) and actions taken are to be documented in an incident report with a DR number assigned to it. The person handling the emergency shall be responsible for the initial report. The responding Property Officer or the Business Services Administrator shall prepare a supplemental report as to their involvement. A copy of said report shall be routed to the Chief of Police and the Property Section for their knowledge and/or action.

356.6 IMMEDIATE NOTIFICATION REQUIREMENT

- (a) The on-duty supervisor shall be responsible for the following notifications:
 - 1. The Chief of Police
 - 2. Administrative Services Division Commander
 - 3. Administrative Services Business Services Administrator
- (b) This notification shall be completed at the time of occurrence or as soon thereafter as possible.

Criminal Offender Record Information (CORI)

357.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

357.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California (Title 11, California Administrative Code). Other authority includes Penal Code §11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§11140 through 11144, which establishes penalties for the improper use of criminal history information.

357.2.1 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any IPD documents containing a list of prior arrests.

Criminal Justice Agency - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Means any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - means a necessity exists to obtain CORI in order to execute official responsibilities.

357.3 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All trained law enforcement personnel with proper identification are authorized recipients, if they have an official need to know. The California Department of Justice has issued a list of agencies authorized to receive criminal history information. This list can be found in the "Information Dissemination Manual" located in the Records Bureau. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

357.4 CLETS ADMINISTRATOR

The Records Supervisor is the designated CLETS Administrator for the Irvine Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The CLETS Administrator or designee will resolve specific questions that arise regarding authorized recipients of CORI.

Irvine Police Department

Policies

Criminal Offender Record Information (CORI)

357.5 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) CLETS Administrator
- (b) Records Supervisor
- (c) Lead Records Specialists and Records Specialists
- (d) Personnel specifically designated in writing by the Support Services Division Commander with the concurrence of the CLETS Administrator
- (e) Public Safety Assistants assigned to the Records Bureau

357.6 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation and fingerprint check have been completed and approved. CORI shall not be transmitted by radio broadcast under any circumstance to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

357.7 JUVENILE RECORDS

Nothing in this policy is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual §938 for more specific information regarding cases involving juveniles.

357.8 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet. Individuals shall be allowed to review their arrest or conviction record on file with the Department of Justice after complying with all legal requirements.

357.9 PROTECTION OF CORI

CORI shall be stored in the Records Bureau where consistent personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms. Direct access to CORI stored in the Records Bureau shall be restricted to the Records Bureau personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Bureau shall be restricted to those persons who possess both the right to know and the need to know the information.

357.10 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located within Public Safety to preclude access by unauthorized persons. No employee shall be authorized to operate computer terminal equipment with access to CORI

Irvine Police Department

Policies

Criminal Offender Record Information (CORI)

until the operator has completed the appropriate training. Information system devices shall be positioned in such a way as to prevent unauthorized individuals from accessing and viewing CORI. Screen protectors shall be used if the monitor is in view of unauthorized individuals.

357.11 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by crosscut shredding. Each employee shall be responsible for destroying the CORI documents they receive.

357.12 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the CLETS Administrator or designee. The Office of Professional Development shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

357.13 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law. Title 11, California Administrative Code §702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice. Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy. Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties are in violation of Policy.

Each suspected incident of unauthorized or improper use of CORI, or failure to take physical security measures to protect CORI, will be investigated by the Office of Professional Standards. Violations may result in disciplinary action, criminal penalties and/or financial liability for the cost of improper use.