

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing.

400.2 POLICY

The Irvine Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Irvine. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

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- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.5.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

Shift Procedures

401.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that procedures relative to shift operations are properly articulated and that appropriate supervision is available for all shifts. The department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is to meet the operational needs of the department.

401.2 REPORTING FOR DUTY

Sworn and civilian personnel are expected to report to briefing or their designated work station on time. Personnel who are late may be subject to disciplinary action.

- (a) An employee is considered late for work if he/she is not in the briefing room or at their work station, ready to respond to a call or otherwise perform their duties, by their shift starting time.
- (b) If an employee is going to be late, it is his/her responsibility to notify a supervisor as soon as possible and to give an approximate time he or she will arrive.
- (c) Any time an employee is more than 15 minutes late for work, he/she will be given the option to decide what type of leave they wish to take to compensate for the time missed (Vacation, Compensatory Time Off (CTO), or Personal Leave).

401.3 END OF WATCH

Field personnel shall not return to the police facility sooner than thirty (30) minutes prior to end of their watch without clearance from a field supervisor.

401.4 HOURS WORKED

No member of this department will work more than 16 consecutive hours in any assignment, or combination of assignments. Whenever a member of this department has worked 16 consecutive hours, he or she must be off duty a minimum of 5 consecutive hours before he or she is permitted to return to work. A supervisor, with consideration for the needs of the department and officer safety, may waive the maximum consecutive hours and/or the minimum off-duty hours requirements.

401.5 OVERTIME APPROVAL

All overtime to be paid must be approved by a supervisor. Personnel requesting overtime compensation shall submit an Overtime Authorization Request form to the appropriate supervisor. The form must be complete and include the Department Record (DR) number and/or the nature of the activity that required the employee to work overtime.

Shift supervisors shall pre-approve overtime used for report writing beyond the officer's normal shift. Supervisors shall closely monitor end-of-watch overtime used for this purpose.

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401.6 FLSA SHIFT TRADES

The Fair Labor Standards Act (FLSA) extends a provision for government employees to trade shifts with other employees, under certain conditions. It is the intent of this policy to establish a mechanism for personnel in Patrol and Communications to trade shifts pursuant to FLSA. The policy will facilitate personnel taking time off without charging their leave banks and assist in preventing back fills with personnel who are paid overtime.

Sworn personnel assigned to Patrol Operations or personnel assigned to Communications may trade shifts with their colleagues within the same classification subject to the following conditions:

- (a) Both employees agree to the shift trade voluntarily. Employees will complete a voluntary shift trade request form. Employees shall not exchange money or any other item of value in connection with a shift trade.
- (b) A supervisor must pre-approve the shift trade. At the time the shift trade is approved, both dates must be identified and recorded in ISE by a supervisor.
 1. In ISE, SWAP is the code to be used to denote a shift trade. In the comments for the day the shift trade occurred, the supervisor will note (for example): "Shift Trade – Smith worked for Brown." The supervisor will also note the number of hours worked by the employee who is working the trade.
 2. In Schedule Express, employees can go under Request, Create Trade Request. Select the date and hours requesting to trade. Choose to send a request to All Users, Select From List, or No One and select Submit.
- (c) Employee "A" whose shift is worked receives credit for the shift. The number of hours to be credited will be the number of hours employee "A" is scheduled to work, regardless of the number of hours employee "B" who is working the trade actually works.
 1. In VTI, SWAP-WORK is the unpaid hour code to be used by an employee to report they were at work on a non-scheduled day, working for another employee. These hours do not count towards FLSA work hours. In the comments section, the supervisor will note (for example): "Shift Trade- Smith worked for Brown."
 2. In VTI, SWAP-OFF is the paid hour code to be used by an employee to report they were not at work on a scheduled day, but are receiving compensation for that day. These hours count towards FLSA work hours. In the comments section, the supervisor will note (for example): "Shift Trade - Smith worked for Brown."
- (d) If a patrol trade occurs between employees assigned to the 4/10 shifts, the trades must comply with Section 401.4 (Hours Worked)
- (e) For trades that occur between employees assigned to the 4/10 shifts with employees assigned to the 3/12 shifts the following provisions apply:
 1. When a 3/12 employee works for a 4/10 employee, the 3/12 employee shall work 12.5 hours. The start time of a 3/12 employee working for a 4/10 employee will be based on the shift being worked:
 - (a) B 4/10:3/12 employee working trade starts at the regular Shift 1 start time.
 - (b) D 4/10:3/12 employee working trade starts at the regular Shift 3 start time.

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- (c) A 4/10: 3/12 employee working trade starts at 1830.
- 2. When a 4/10 employee works for a 3/12 employee, the 4/10 employee shall work 10 hours. The start time for a 4/10 employee working for a 3/12 employee will be based on the shift being worked:
 - (a) B 3/12:4/10 employee working trade starts at regular Shift 5 start time.
 - (b) D 3/12:4/10 employee working trade starts at regular Shift 6 start time.
 - (c) A 3/12:4/10 employee working trade starts at 2100.
- (f) Payback of the traded shift shall fall in the same trimester for Patrol and the same pay period for Communications.
- (g) If an employee agrees to trade shifts with another employee and then calls in sick or otherwise does not work the shift the following provisions apply:
 - 1. If an unexpected absence occurs during the first part of the trade, the trade is considered canceled. The employee regularly scheduled to work will use vacation, compensatory, or personal leave. If the absence qualifies for sick leave usage, the employee may report sick leave.
 - 2. If an unexpected absence occurs during the second half of the trade, the employee scheduled off in the second part of the swap will complete the trade taking the day off and reporting SWAP-off as planned. The employee who did not complete the shift trade will reflect vacation, compensatory, or personal leave on the original day taken off during the first part of the trade. Sick leave may only be used if the original absence taken during the first part of the trade qualifies for sick leave usage. PPA will be completed redacting the SWAP-off hour code and replacing the time with applicable leave.
- (h) A trade request of more than four consecutive days must be approved by an Operations Lieutenant.
- (i) Trades involving more than two employees are not permitted.
- (j) Shift trades shall not be approved if they are in conflict with section 401.4 (Hours Worked).
- (k) Trades involving a Holiday will not be permitted.
- (l) Trades of partial shifts will not be permitted.
- (m) Trading Buyback days is not permitted for Patrol Operations.
- (n) Trading Buyback days is permitted for Communications personnel.
 - 1. If buybacks are traded, 3/12 shifts must be traded for other 3/12 shifts, and 8 hour buybacks must be traded for other 8 hour buybacks.

401.7 SWAPPING SHIFTS

In each case when officers or sergeants desire to change or "swap" shifts, the following applies:

- (a) A time-off request card will be submitted to the scheduling supervisors of both employees initiating the request. All swaps must occur within the same trimester. Once

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considered and approved by both shift supervisors, the hard copy will be placed in the scheduling book for the duration of the shift change period.

- (b) The request shall be submitted as far in advance as possible, allowing for a disposition no less than twenty-four hours prior to the affected change. Emergencies will warrant special consideration.
- (c) The request shall not be considered approved until signed by all concerned supervisors.
- (d) Task numbers may be assigned by finance for purposes of tracking shift changes. Officers shall include this information on their time sheets.

401.8 STAFFING

The Operations Commanders is responsible for establishing staffing levels in order to optimize officer safety, to address the service needs of the public, and to meet response time obligations. Staffing levels will be studied at least annually by staff and adjusted as necessary to ensure they meet the goals outlined above.

- (a) Overtime vacancies for sergeants and officers should not be filled beyond the above shift minimums. However, should drafts be required to meet these minimums, any supervisor may default to time of day minimums. The on-duty Shift Lieutenant or Command Duty Officer may deviate from the minimum staffing level based upon special needs or circumstances. Generally minimum staffing shall only apply to Patrol personnel, with the following exceptions, listed below:
 - 1. Area Traffic Officers, DET Officers and the DET sergeant shall be reassigned to Patrol, as needed, whenever doing so will prevent a draft from occurring. In these instances, they will be assigned a beat and function as a patrol officer.
 - 2. The DUI officer will be counted as part of minimum staffing whenever doing so will prevent a draft from occurring. In these instances, the DUI officer shall maintain his or her primary duties related to DUI enforcement, but shall be assigned to respond to priority calls for service when nearby.
 - 3. Canine Officers will be counted in calculating minimum staffing.
 - 4. At the discretion of any Shift Lieutenant, any sergeant assigned to Special Events, Traffic, Great Park, or Youth Services may be assigned to work Patrol when doing so will prevent a draft OR a fill on the B 4/10 shift.
- (b) Time off requests must be submitted to the employee's supervisor for all anticipated absences, including vacation, CTO, personal leave, court cases, training needs, and department related meetings.
- (c) With the exception of CTO time, all time off requests are to be submitted to the respective scheduling sergeant at least two weeks before the date of the requested absence.
- (d) Employee requests to use accrued CTO shall be granted provided the employee submits the request to the affected shift supervisor at least seven (7) calendar days in advance, and has arranged for a fill; unless the employee's absence impacts vital

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departmental operations as determined by the shift lieutenant or Command Duty Officer.

- (e) These requirements (b through d) may be waived for employee emergencies by any supervisor.
- (f) An employee seeking to use vacation time or personal leave time of less than one work week in duration must ensure a fill for his/her position, if a fill is required. A supervisor may rescind the approval if a required fill has not been secured. Department personnel with approved vacation or personal leave in duration of one work week or longer are exempt from this requirement.
- (g) The department retains the right to cancel any or all leaves, including CTO during an emergency, major incident or other department need. Department needs may include major holidays or task force operations.
- (h) A field supervisor (sergeant) seeking time off shall submit a written request for approval to his/her shift lieutenant. There must always be one assigned shift sergeant on duty unless approved by the shift lieutenant or the Command Duty Officer.
- (i) Field Training Officers (FTO) may be used as shift supervisors in unanticipated emergency situations, or other preplanned large scale events or meetings; however they shall function as an acting supervisor and will not be assigned as a line officer for that shift. Acting Field Supervisors will use a call-sign of S40-S49.
- (j) For the purposes of the Department's Memorandum of Understanding (MOU), patrol drafts are not situations wherein an officer is asked to work and he/she volunteers. When an officer is directed to fill all or part of a shift, the officer is considered "drafted" and entitled to CTO.
 - 1. The scheduling sergeant for each shift shall establish and maintain a draft list, ranked from lowest to highest seniority, to be utilized when a draft is required. Generally, when drafts are required, they should extend an officer's or sergeant's shift. On the rare occasions a draft will require officers or sergeants to begin their shift early, the personnel affected should be given as much advance notice as possible. The person to fill a draft that starts in advance of their shift shall be identified from the established draft list for that shift. Scheduling sergeants should use the scheduling software to anticipate drafts and make sure the next officers or sergeants on the draft list are aware of the possibility they may be drafted to start their shift early.
- (k) Canine Officers will be assigned to regular beat duties and service calls. Canine Officers will not share more than one day off during a shift week.

401.9 SHIFT BRIEFINGS

- (a) Generally, a briefing session thirty minutes in duration will precede each shift's field deployment.
- (b) Sergeants will periodically inspect shift personnel, including the officers' uniform, equipment, patrol car, necessary equipment, etc. Any deficiencies will be corrected in a timely manner. One sergeant will be assigned the task of reviewing briefing bulletins,

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field activity summary sheets and daily assigned training prior to each briefing session, selecting relevant information to disseminate to field personnel. This sergeant will begin and end his/her shift between thirty minutes and one hour before the regularly scheduled start and end times for the shift and will be designated the "early sergeant." If the assigned early sergeant is to be absent, he/she will be responsible for ensuring another shift member will handle the briefing assignment.

- (c) All uniformed personnel, including field sergeants, will report to briefing prepared for immediate field deployment. This includes duty belt, soft body armor and a weapon.

401.10 BEAT INTEGRITY/RESPONSE TIMES

For purposes of this policy, beat integrity is defined as the responsibility of a sworn employee assigned to an area and beat to maintain a presence in, and be accountable to the community within that beat for issues related to public safety.

- (a) Every effort shall be made to maintain beat integrity. The shift supervisor may temporarily reassign shift personnel to other beats or assignments to ensure service continuity to the community. Traffic officers may be deployed temporarily to handle service calls when patrol officers are unavailable. Traffic officers shall be assigned to handle Priority 0 and Priority 1 calls when Patrol officers are unavailable.
- (b) Patrol officers may be cross-dispatched at the discretion of any field supervisor when doing so will enhance the level of service to the community.
- (c) Patrol officers shall be cross-dispatched when necessary for response to Priority 0 and Priority 1 calls for service.
- (d) Sworn field personnel will regard situations requiring an emergency response to be of the highest priority.

401.11 FIELD OPERATIONS

- (a) All Point-to-Point Computer Aided Dispatch (CAD) or Mobile Data Computer (MDC) system messages shall be professional and reflect the spirit of the department's core values. Messages shall be work-related.
- (b) All radio traffic will be professional and reflect the spirit of the department's core values.
- (c) Each employee assigned onto the department's CAD system will ensure that the system accurately reflects his or her status.

401.12 SHIFT MEAL BREAK GUIDELINES

- (a) Pending service calls are generally given priority over meal breaks.
- (b) Sworn personnel are permitted to take a meal break during their shift. Officers will request clearance for a meal break from Communications. The dispatcher will clear each officer for his/her meal break in the order in which the request is received. In the event the officer next up on the list, or his or her meal break partner is busy on a service call, the next officer (or officers) will be cleared for a meal break. Communications will not take reservations for meal breaks.

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- (c) Shift employees should make an effort to eat within or close to their area and beat and make every attempt to minimize driving time to meal break locations. When an officer is cleared for a meal break, the break shall be 45 minutes in duration, including travel time.
- (d) Generally, no more than two marked vehicles may gather at the same location at the same break or meal time. A patrol car, police motorcycle, and traffic investigation vehicle are each examples of a marked vehicle. Two patrol cars may include up to four officers.
- (e) Officers should attempt to eat early in their shift, unless service calls mandate eating later in the shift. Communications will attempt to clear the next officer (or officers) on the list 10 minutes before the end of the forty-five minute break period in progress.
- (f) Officers are encouraged to participate in the fair practice of offering to handle service calls for officers who are next up on the meal break list.
- (g) No more than two officers from the same area may take a meal break at the same time, unless approved by a field supervisor. Generally, no one will be approved for a meal break, when less than one-third of sworn shift personnel are available for emergency calls.

401.14 SHIFT SCHEDULING FOR PATROL SERGEANTS AND OFFICERS

- (a) Shift selection will occur within the first five weeks of the trimester for the following trimester, based on seniority. Officers and sergeants may choose any geographic area each trimester.
 - 1. A Field Services Eligibility List will be established. This eligibility list will consist of those employees required to register for the next annual cycle, in order of their seniority within their respective rank. This list will show the employee's prior two shift selections.
 - 2. An employee may work two of the same shifts consecutively. He or she must then move to another shift. The table, below, shows three examples of the mandatory shift rotation.

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Trimester	Trimester	Trimester	Trimester	Trimester
A	A	B	B	A
A	B	B	A	A
D	D	A	B	B

3. Employees may not consider rotation from a 4/10 shift to a 3/12 shift (or visa versa) as a legitimate shift change. An employee, for example, who has worked two B 4/10 shifts consecutively, is ineligible to register for a vacancy on either the B 4/10 shift or the B 3/12 shift.
4. Occasionally, employees may be assigned to a shift already in progress. In this event, the shift will count as one full shift for the purpose of shift sign-up consideration if the employee works a minimum of half the shift.
5. Shift sign-ups will be managed via "Google Docs" or other shift scheduling software as identified by management. Management is responsible for projecting the number of working patrol officers for the upcoming trimester, and determining how these positions will be divided among each shift.
6. Before the sign-up process commences, management and supervision will identify officers who are assigned to Patrol, but who are not expected to work Patrol for a majority of the deployment (long term IOD, maternity leave, military leave, etc.) These officers will sign-up for a patrol shift in the event they do return to Patrol; however, another position will immediately be added to the same area and shift before the next officer signs-up. The initial number of spots listed on the sign-up roster will be equal to the number of full-duty officers expected to be working the majority of the shift. This process will ensure sufficient staffing for each shift and area.
7. If employees know they will be unavailable during the sign-up process, they should submit their shift request (in ranked order) to the scheduling Sergeant in writing prior to the beginning of shift sign-ups.
8. Employees will be expected to monitor the shift sign-up process and will have until the end of the day they are notified to sign-up.
 - (a) The shift by seniority process may be waived or modified by management as follows:
 - (a) Sergeants and officers on probation may at the discretion of management be assigned a particular shift.
 - (b) Officers or sergeants who demonstrate a need for additional individualized training or exposure unique to a particular shift may be assigned to a shift.
 - (c) Shift assignments may be modified to facilitate department needs. A department need may include an emergency circumstance, field training requirement, an adjustment in department strength, or an unanticipated special personnel assignment.
 - (b) Once the roster is complete, an employee may not swap a shift with another employee without the approval of the Operations Commander and the Assistant Chief. Both employees shall submit a written request to the Operations

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Commander and Assistant Chief via the chain of command. The decision to swap shifts will be based, in part, on the needs of the department.

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401.15.2 NOTIFICATION

In the event the Emergency Deployment Schedule is implemented for a preplanned or unplanned event, the CDO initiating the deployment should attempt to provide notification to affected personnel via their chain of command.

In the event of a significant manmade or natural disaster, phone communications may be compromised. If a significant event occurs and employees are unable to make contact with their immediate supervisor or the Irvine Police Department, they should assume an Emergency Deployment is in effect. After providing for the safety/security of their immediate families, off duty employees should report to work as indicated below.

401.15.3 REPORTING FOR DUTY

Off duty employees should report to work at the beginning of the next deployment period indicated in the above Emergency Deployment Schedule. Personnel who are classified as unassigned should report to the Irvine Police Department as soon as possible, unless otherwise notified. Absent specific instructions, off duty employees reporting for duty should report to the Public Safety facility.

Supervisors shall review with their shifts their respective assignments according to the Emergency Deployment Schedule at the beginning of each trimester.

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401.15.4 DISPATCH

All full-time Communications Bureau employees are assigned to a 12-hour shift. In the event an Emergency Deployment is in effect, all employees assigned to day shift will assume a 0600-1800 work schedule. All employees assigned to night/swing shift will assume an 1800-0600 work schedule. If off duty, employees should report to work at the beginning of the next deployment period for the shift they are assigned to work.

401.15.5 OTHER NON-SWORN PERSONNEL

Professional staff who are assigned to the field shall follow directions from their immediate supervisor. In the absence of specific directions, they should report to the Irvine Police Department as soon as possible and await further deployment instructions.

Professional staff who are not assigned field duties shall maintain their normal schedule unless advised otherwise by their supervisor.

3/12 Patrol Shift Buyback Procedures

402.1 SCHEDULING PROCESS

3/12 buyback days for all sworn personnel (officers and sergeants) assigned to Patrol will be scheduled according to the following protocol:

- (a) Sergeants assigned as a Buyback Coordinator will have the responsibility to manage and oversee the buyback scheduling process for all 3/12 shifts.
- (b) Buybacks will be scheduled to mitigate overtime associated with Block Training, and/or routine patrol operations.
- (c) Personnel on the 3/12 shifts will be assigned to work their buybacks in Patrol on the day scheduled for the 4/10 Officers to attend Block Training.
- (d) Personnel from 3/12 shifts may also be assigned to attend Block Training as their assigned buyback day during the next 28-day cycle.
- (e) Buyback Coordinators will review the scheduling system and create a list of available buyback shifts based on the needs of the 4/10 shifts (including days where additional officers are needed to supplement training, scheduled days off, etc.).
- (f) When creating the available slots for personnel to sign up under, Buyback Coordinators should take into consideration the number of officers assigned to each weekend shift and try to make at least that many coordinating 4/10 buyback slots as able to allow for shift accommodation. However, officers should be aware shift accommodation is not guaranteed.
- (g) The available slots will be provided to officers electronically for sign-up during the designated sign-up period. The designated sign-up period should start at least seven days prior to the upcoming 28-day cycle. All buybacks should be scheduled within seven days after the beginning of each 28-day cycle. This allows for a two-week period for the Buyback Coordinator to assign buybacks in the scheduling system.
- (h) Once that period has closed, any changes to the buyback by officers must be coordinated and approved by the Buyback Coordinator.
- (i) Any officer that does not select a buyback shift will be assigned a shift. Notification will be done in writing, via department email.
- (j) At the discretion of the scheduling lieutenant, buyback shifts can also be utilized for the needs of the department, such as shopping center details near the holidays, in lieu of normal patrol shifts.
- (k) "Bumping" – At the closing of designated sign-up period, it will be the responsibility of the Buyback Coordinator to review shift staffing levels and determine if cancellation of previously filled overtime slots is prudent, and if so to notify the 4/10 shift sergeant.
- (l) It is the responsibility of the 4/10 shift sergeant decide what overtime should be cancelled due to a buyback. If it is determined that an overtime shift will be cancelled, the 4/10 sergeant shall notify the officer with the cancelled shift at least 48 hours in advance of the scheduled overtime fill.

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3/12 Patrol Shift Buyback Procedures

- (m) Personnel who have completed a buyback shift shall complete an overtime slip and write "buyback" at the top and highlight same.

402.2 GUIDELINES FOR BUYBACK

Sergeants/officers shall work their buyback in patrol, unless otherwise approved by their lieutenant, commander or shift supervisor. As a general rule, buyback assignments will be scheduled in 10-hour increments. Requests for time off on a buyback day will be granted or denied in accordance with policy. The designated Buyback Coordinators shall maintain a list of the personnel assigned to buyback days, and the leave time or other time used to apply to their buyback days.

Briefing Training

403.1 PURPOSE AND SCOPE

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

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

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

403.2 PREPARATION OF MATERIALS

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

403.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Watch Commander and/or Field Supervisors

404.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a lieutenant heads each watch.

404.2 DESIGNATION AS ACTING WATCH COMMANDER

When a lieutenant is unavailable for duty as watch commander, in most instances the senior qualified sergeant shall be designated as acting watch commander. This policy does not preclude designating a sergeant assigned outside Operations Division as an acting watch commander when operational needs require or training permits. When a sergeant is unavailable to act as the watch commander, he/she may designate a Field Training Officer (FTO) as an acting watch commander for a period of time.

Field Training Officer Program

405.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Irvine Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

405.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

405.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of two years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate in a selection process
- (e) Possess a POST Basic certificate

The selection/retention process for the FTO assignment shall conform to the provisions of the Irvine Police Association/City of Irvine Memorandum of Understanding (MOU). The selection criteria shall be determined by the FTO Program Coordinator.

405.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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405.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

405.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Irvine Police Department who has successfully completed a POST approved Basic Academy.

405.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

405.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Irvine Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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Field Training Officer Program

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Irvine Police Department.

405.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

405.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

405.6.2 IMMEDIATE SUPERVISOR

The immediate FTO supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

405.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator, or his/her designee, will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

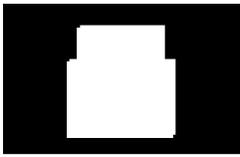
405.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

405.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

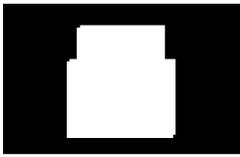


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Obtaining Helicopter Assistance

408.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

408.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

408.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

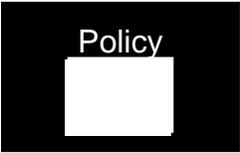
If an airship is needed, the field supervisor or dispatcher will contact any available airship on "AIRCALL" located on the Common 3 talk group. If there is no response on the Common 3 talk group, the supervisor or dispatcher shall make the request by telephone.

408.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspect whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits
- (f) At the direction of a field supervisor or watch commander

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.



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Vehicle Pursuits

410.1 PURPOSE AND SCOPE

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

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

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

410.1.1 VEHICLE PURSUIT DEFINED

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

410.2 OFFICER RESPONSIBILITIES

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

410.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

410.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In

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the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

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

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

410.2.3 SPEED LIMITS

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

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

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

410.3 PURSUIT UNITS

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

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410.3.1 MOTORCYCLE OFFICERS

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

410.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

410.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

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

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

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

410.3.4 SECONDARY UNITS RESPONSIBILITIES

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

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

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

410.3.5 PURSUIT DRIVING TACTICS

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

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

410.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

410.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

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

410.3.8 AIRCRAFT ASSISTANCE

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

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

410.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

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

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- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing IPD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

410.4.1 WATCH COMMANDER RESPONSIBILITY

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

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

410.5 COMMUNICATIONS

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

410.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications Bureau will:

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

410.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

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410.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

410.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

410.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

410.7 PURSUIT INTERVENTION

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

410.7.1 WHEN USE IS AUTHORIZED

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

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

410.7.2 DEFINITIONS

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

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

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

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

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

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

410.7.3 USE OF FIREARMS

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

410.7.4 INTERVENTION STANDARDS

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

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for

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situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
 3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

410.7.5 CAPTURE OF SUSPECTS

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

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

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410.8 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The watch commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the watch commander for review and distribution.
- (c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor's report (i.e.: memo, email, etc.), briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit
 3. Involved units and officers
 4. Initial reason for pursuit
 5. Starting and termination points
 6. Disposition (arrest, citation), including arrestee information if applicable
 7. Injuries and/or property damage
 8. Medical treatment
 9. Name of supervisor at scene
 10. A review of the MVS of the involved units
 11. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

410.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

410.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

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410.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

Foot Pursuits

411.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

411.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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411.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

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- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with 8 CCR § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

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412.3 INFECTIOUS OR PATHOLOGICAL WASTE

In the event of illegal dumping of infectious or pathological waste, the on-scene supervisor shall request the Orange County Health Care Agency (OCHCA) for further investigation and follow up. The Criminal Investigation Division should be notified to coordinate any necessary detective response.

412.4 CLEANUP AND REMOVAL

In situations where the responsible party or private property owner is known, a reasonable opportunity may be provided to allow the person(s) to contract for immediate cleanup and removal through an approved contractor. If the responsible party fails to take action in a prompt manner, or the responsible party is unknown, a private hazardous materials disposal firm may be called by department personnel. The responsible party or property owner may be billed pursuant to City rules.

If the hazardous material is a vehicular petroleum product in a public right-of-way and a responsible party is unknown or unable to make clean-up arrangements, City of Irvine Public Works shall be called for cleanup. If any spill enters a storm drain, City of Irvine Public Works shall be called for cleanup.

If the spill has entered a county flood control channel or tributary, Orange County Public Works shall be notified. If notification is needed to Orange County Public Works after hours, they may be reached through Control One.

In cases of sewage blockage/spill on private property, it is the responsibility of the property owner to cleanup and report the spill.

In cases of sewage spills on public property, the Irvine Ranch Water District shall be called to conduct the cleanup. The responsibility for formal notification and spill reporting shall remain with the City.

412.5 INCIDENT REPORTING PROCEDURES

The primary responding officer shall complete a written report documenting the incident. Additionally, there are two mandated notifications, which shall be the responsibility of the on-scene field supervisor:

1. Health and Safety Code Section §25180.7 (b) (also known as Proposition 65) requires government employees who, in the course of their duties, obtain information about illegal discharges or threatened illegal discharges of hazardous wastes that are likely

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to cause substantial injury to public health or safety, to report this information within 72 hours to the Health Officer and local Board of Supervisors.

2. There are three exceptions to this notification:
 1. No disclosure of information is required when otherwise prohibited by law;
 2. Law enforcement personnel have determined that this disclosure would adversely affect an ongoing criminal investigation; or
 3. The information is already general public knowledge within the locality affected by the discharge or threatened discharge (such as wide media coverage).

The Orange County Health Care Agency is the designated agency to accept this notification as the Health Officer and as the designated agent for the local Board of Supervisors. Therefore, only one notification is necessary. This notification may be done through the Orange County Health Care Agency Proposition 65 Compliance Program. Phone numbers for this program can be obtained from IPD Communications. Verbal or written notice will be accepted.

Health and Safety Code Section §25507.10 requires emergency rescue personnel responding to the release or threatened release of an acutely hazardous material, or to a fire or explosion involving a hazardous material, to immediately advise the superintendent of the school district having jurisdiction if the location is within ½ mile of a school.

412.5.1 REPORTING EXPOSURE PROCEDURES

The State Health & Safety Code requires that peace officers be notified by their agency if they are exposed to a known carcinogen while in the performance of their duties. In compliance with this requirement, this procedure will implement the recording of exposures to any hazardous material as a result of responses to toxic spills, traffic collisions, fires, illicit drug labs, etc. The employee report of injury record will be available for future review should a possible job related illness develop as a result of a hazardous material exposure.

- (a) Prompt Report of Exposure: It will be the responsibility of all department employees who have been exposed, or believe that they have been exposed, to a hazardous material or a carcinogen, to promptly report such an exposure to their on-duty supervisor. If possible, report both the trade name of the substance (Prestone Antifreeze) and the chemical name (ethylene glycol monoethyl ether). Discretion should be used when reporting an exposure. While many common materials such as gasoline, paint or oven cleaner are hazardous, they are safe when handled in a careful and proper manner. Most minor contamination of such material can be handled by thoroughly washing with soap and water. However when in doubt, or if the type of material is unknown, the exposure should be reported to a supervisor.
- (b) Documentation of Exposure: Each exposure shall be documented by the employee and the report shall be reviewed by a supervisor. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the supervisor to complete the documentation. When a supervisor has been informed that an employee has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure. Injury or illness caused or believed to be caused from exposure to

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hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

- (c) In the event of an exposure involving numerous employees the on-duty supervisor shall complete an exposure memo which includes the following information:
1. Names and employee ID numbers of exposed employees
 2. Date and time of incident
 3. DR #
 4. Location of incident
 5. Hazardous material involved
 6. Nature of exposure
 7. PPE in use at the time of incident
 8. The supervisor shall use the above information to prepare a written summary of the incident. The completed memo will be maintained by the Management Analyst in the Office of Professional Standards.
- (d) Hazardous Materials Exposure Record: This record is intended to include a separate entry for each exposure event in chronological order for each employee. The Management Analyst in the Office of Professional Standards will maintain it in the Confidential Employee Health File. It will be the involved supervisor's responsibility to submit exposure reports to the Management Analyst for inclusion in this record. Each employee may request to review this record at any time.

412.6 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the department may be obtained through the Orange County Fire Authority..

Medical Aid and Response

413.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

413.2 POLICY

It is the policy of the Irvine Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

413.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Bureau and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Bureau with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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Medical Aid and Response

413.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

413.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

413.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

413.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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One department member at the scene should be designated as the air ambulance liaison. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

413.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

Use of the AED for defibrillation is indicated on victims of cardiac arrest with apparent lack of circulation as indicated by:

- Unconsciousness;
- Absence of breathing, and
- Absence of pulse and other signs of circulation.

The AED's come with both Adult and Pediatric electrodes. Electrodes labeled "Infant/Child" should be used when the patient is less than 8 years old or weighs less than 55 lbs.

413.8.1 AED USER RESPONSIBILITY

Any AED that is not functioning properly will be taken out of service and given to Technical Services who is responsible for ensuring appropriate maintenance.

In the unlikely event that the AED does not operate properly, authorized individuals shall continue with basic life support measures, including CPR, until a more highly trained medical authority arrives on scene.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Communications Bureau as soon as possible and request response by EMS.

413.8.2 AED REPORTING & REVIEW OF AED INCIDENTS

Each time an AED is used to medically assist someone, the deploying officer shall complete the Automated External Defibrillator (AED) Post-Incident Report Form available in the report writing

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room and in the AED cabinet in Property and Evidence, and provide this form to Technical Services with the AED used during the event.

For the purposes of this policy section, “medically assist” means attaching electrodes to someone, whether or not any shocks are actually delivered.

The event data stored on the AED will be transferred to a computer by Technical Services personnel. The Business Services Administrator or his/her designee will be responsible for saving the information under the police report DR number and forwarding it to records personnel to be stored in the completed police report. Additionally, this information will be sent to the prescribing physician and/or the Orange County Health Care Agency via City of Irvine Business Services Administrator (Refer to Policy Section §413.8.4).

413.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

In order for an individual to obtain authorization to use an AED, the individual shall pass the curriculum as approved by the prescribing physician. Training shall include, but will not be limited to:

- Demonstrated proficiency in the skills necessary to deploy the AED.
- Regular updates on new methods/skills necessary to deploy the AED.
- Current issues pertinent to the use of the AED.
- Proper maintenance and inspection of the AED.

The Business Services Administrator is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

Each AED must be checked for readiness at least once every 30 days. Technical Services personnel will be responsible for conducting these checks on a regular monthly schedule and submitting a completed AED maintenance log to the Business Services Administrator each month.

Maintaining the Unit

Monthly inspection of each AED will include inspection of the following items:

- (a) Power - Turn the unit “on” to verify the unit has power.
- (b) Battery age - Battery life expectancy is five years. Batteries for the AEDs will be changed out every three years. AED units will be clearly labeled with the date of the last battery change.
- (c) Condition of unit - Verify unit is clean, undamaged and free of excessive wear.

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- (d) Adult electrodes - Verify an adult electrode is connected to the unit, sealed in its package and is within its expiration date.
- (e) Accessory pack - Verify the accessory pack is sealed and available for use.
- (f) Pediatric electrodes - Verify a pediatric pad is available for use, sealed in its package, and is within its expiration date.
- (g) Green check (#) - Verify the green check is showing.

If the AED unit fails any area of the monthly inspection or shows a red (X), the unit shall be removed from service for maintenance. If the AED is not immediately serviceable, a spare AED shall be placed in the vehicle.

413.8.4 MEDICAL OVERSIGHT & MEDICAL POINT-OF-CONTACT

Two individuals in the County of Orange serve as points of contact for AED policy development and review and post-use case review. Each time an AED is deployed to medically assist someone, the data download must be sent to one of these individuals, in the following order:

Primary: BLS & AED Coordinator, OC HCA EMS Programs Office 714-834-6233

Secondary: OC HCA Medical Director 714-834-2824

413.8.5 REPLACEMENT / SPARE AEDS

Spare, or replacement, AEDs will be located inside a locked cabinet in the Property & Evidence hallway. A key to the cabinet will be available in the key cabinet in the Watch Commander's Office.

In the event an AED is used to medically assist someone or a red (X) is showing that the unit is not ready for use, the employee who used the AED or who identifies that it is not ready for use, will remove the AED from service by placing it on the appropriately labeled shelf in the AED cabinet in Property and Evidence. This same employee should replace the AED taken out of service with one of the spare AEDs, which can also be found in the AED cabinet in Property and Evidence.

Prior to placing the spare AED into service, the employee should verify that a green (#) appears showing the unit is ready for use.

An email should be sent to Technical Services personnel notifying them that an AED has been placed in the AED cabinet in Property and Evidence for recertification (see below).

413.8.6 AED SERVICE AND RECERTIFICATION

The Business Services Administrator shall maintain a database of all AEDs in service and the replacement dates for all components that require routine or periodic change including, but not limited to, batteries and adult and child electrodes. Through monthly inspections, Technical Services personnel, under the direction of the Business Services Administrator, will be responsible for ensuring these components are changed prior to their expiration dates.

413.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

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413.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES & USE

Members who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Program Coordinator.

Officers who have completed the mandated Naloxone training by HCA/EMS are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding.
- (b) Maintain universal precautions.
- (c) Perform patient assessment.
- (d) Determine unresponsiveness.
- (e) Update dispatch of potential overdose state.
- (f) Follow Naloxone protocol.
- (g) Immediately notify responding emergency personnel that Naloxone has been administered.
- (h) Notify a field supervisor.

Any member who administers an opioid overdose medication should contact the Communications Bureau as soon as possible and request response by EMS.

413.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Upon completion of the incident, officers will submit an incident report detailing the nature of the incident, the care the patient received and the fact Naloxone was deployed. A copy of the report will be forwarded to the Naloxone Program Coordinator who will track and monitor the use of Naloxone.

The Program Coordinator will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

413.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Program Coordinator should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

413.9.4 MAINTENANCE AND REPLACEMENT

The daily inspection of Naloxone kits will be the responsibility of officers who are assigned the kit for field deployment. Officers should handle, store and administer the medication consistent with

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their training. Officers should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and reported to the Office of Professional Development. Replacement kits will be issued by Technical Services during normal working hours. Several kits will also be placed in the Watch Commanders safe should an officer need a new kit after hours or on weekends.

413.9.5 PROGRAM COORDINATOR

The Office of Professional Development will serve as the department's Program Coordinator and will work in collaboration with the HCA/EMS. The Program Coordinator will be responsible for tracking, storage, maintenance, replacement of Naloxone kits and reviewing Naloxone use reports.

413.9.6 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

413.9.7 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

413.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

413.11 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Loud Party / Social Host Ordinance Notices

414.1 AUTHORITY

Irvine Municipal Code (IMC) §4-11-500 provides a cost recovery program for police services in dealing with disruptive parties and gatherings where underage persons are consuming alcoholic beverages. This policy outlines the criteria needed to issue one or more Loud Party Notices and the provisions for issuing administrative citations for being a Social Host.

414.2 DEFINITIONS

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine or beer which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purpose, either alone or when diluted, mixed, or combined with other substances.

Juvenile means any person younger than eighteen (18) years of age.

A “party, gathering or event” is a group of persons who have assembled or are assembling at a residence or other private property, whether such residence or property is owned, leased, rented or used without compensation.

Parent or legal guardian is a person who is a natural parent, adoptive parent, foster parent or step-parent of another person or a person who, under court order, is the guardian of another person, or a public or private agency with which a minor has been placed by the court.

Responsible Person or Host means any of the following:

1. Any person or entity that owns, rents, leases or otherwise has control of a residence or other private property, including without limitation a hotel/motel room or rented or leased area, where a party, gathering or event occurs.
2. Any person or entity present at a party, gathering or event who provides an alcoholic beverage to anyone under the age of twenty-one (21) years.
3. Any person or entity present at a party, gathering or event where unruly or loud conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls or willingly accepts responsibility for such a party, gathering or event.

Underage person is any person younger than twenty-one (21) years of age.

Unruly or loud conduct includes the obstruction of streets by crowds or vehicles, public drunkenness, public urination, possession of or consumption of alcoholic beverages by underage persons, assaults, batteries or other disturbances of the peace, including but not limited to vandalism, littering or other conduct that constitutes a threat to public health, safety or quiet enjoyment of residential property or public property.

Police Services Fee means the cost to the City of any special security assignment. Such fee shall be an itemized fee up to the full cost to the City of the special assignment and shall be based on,

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but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event, the pro rata cost of equipment, the cost of repairing City equipment and property, and the cost of any medical treatment of injured police officers; provided, however, that in no event shall the fee exceed \$1,000.

414.3 FIRST RESPONSE

IMC §4-11-502(A) states, when a police officer responds to any large party, gathering or event, and determines there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the host(s).

That notice (Irvine Police Department Form #80-16) Loud Party/Social Host Notice, shall state that a subsequent response to that same location or address within a thirty (30) day period will be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event, and, that the host may be liable for a police services fee not to exceed \$1000.00 per IMC §4-11-501.

414.4 OFFICER RESPONSIBILITIES

Officers responding to loud parties or events should assess whether the criteria for the loud party ordinance is present. If the officer determines that the event poses a threat to the public peace, health, safety, or general welfare, the officer shall obtain a Department Record (DR) number and issue a Loud Party/Social Host Notice to the host(s) of the party. The responsible person(s) or host(s) will be asked to sign the form and issued the hard copy. The original form and the attached copy will be provided to Records for processing.

The officer shall enter into the call history that a first response warning was issued and any pertinent information for officers who may be assigned to a subsequent response. The narrative portion of the notice shall contain all of the pertinent facts surrounding the incident. A separate continuation page may be completed if needed.

414.5 POSTING

Under IMC §4-11-502 (B), if no "host" is available on the premises, or the host refuses to sign a receipt of notice, a copy of the notice shall be posted in a conspicuous place on the premises on each occasion that the police respond.

414.6 SUBSEQUENT RESPONSE

Upon a subsequent response, the field officer should determine if a second loud party notification should be issued. Since the ordinance defines a subsequent response as a return visit within 30 days, a call history search of the location may be necessary. Authorization for the second Loud Party Notice must be obtained from a supervisor. Authorization can be obtained in person or by police radio. Once the supervisor concurs with the officer's assessment, the "special security assignment" per IMC § 4-11-503(A) is imposed. The supervisor will either sign the notification form or authorize the on-scene officer to put his/her name on the form.

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The hard copy of the second Notice of Violation is given to the host, and the original and carbon copies are processed per section §414.3. The original DR number (from the previous 30 day response) shall be utilized. The Records Bureau will retain the original Loud Party Notice of Violation, and the carbon copy is sent to finance for billing. If an arrest is made, the report should be upgraded to a crime with proper documentation under the same case number.

414.7 SOCIAL HOST VIOLATION DEFINED

Under IMC §4-11-503.1, a social host violation exists when any responsible person or host of a gathering, party or event occurring at a private residence or other private property knows or reasonably should know that an underage person is being served, is in possession of or is consuming an alcoholic beverage. A responsible person or host shall be presumed to have knowledge that an underage person is being served, was in possession of or was consuming an alcoholic beverage at a party, gathering or event if the responsible person or host did not take all reasonable steps to prevent such activity from occurring.

414.8 EXEMPTED ACTIVITIES

The provisions of the Social Host ordinance shall not apply to the following, per IMC §4-11-503.2.

1. A responsible person or host who takes all reasonable steps, including, but not limited to requesting assistance of law enforcement, to exclude all uninvited persons at a gathering who provide, serve or facilitate the possession or consumption of alcohol by an underage person.
2. Conduct protected under the United States and/or California Constitution, including, but not limited to religious activities protected by Article I, Section 4 of the California Constitution.
3. Conduct regulated by state and/or federal law or regulation, including but not limited to the California Alcoholic Beverage Control Act, in such a manner that the City is preempted or precluded from imposing additional regulation.

414.9 SOCIAL HOST RESPONSIBILITIES

When responding to a party, gathering or event where underage persons may be consuming, or in possession of alcoholic beverages, officers shall evaluate the circumstances and determine if the criteria for a social host violation exist. If the officer determines that a violation of the social host ordinance exist the officer may issue a violation notice per I.M.C. §4-11-503.1. That notice (Irvine Police Department Form # 80-16) Loud Party/Social Host Notice, shall be assigned a Department Record (DR) number.

The responsible person(s) or host(s) will be asked to sign the form and issued the hard copy. The original form and the attached copy will be provided to Records for processing.

The officer shall enter the fact a social host violation notice was issued, the names of the responsible person or host receiving the notice and any other pertinent facts into the call history to assist officers during any subsequent responses.

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The officer shall document the incident, including all facts supporting the issuance of a social host violation notice on a separate Continuation form and list all persons on an Additional Involved Persons form #2.

414.10 RECORDS RESPONSIBILITIES

Records will retain the original Notice of Violation, and the carbon copy is sent to Finance for billing.

414.11 APPEAL

In the event the host or responsible party questions the imposition of the notices and/or fees the officer should advise them that they may file an appeal with the Chief of Police or his/her designee. The Chief of Police or his/her designee must receive a written request for a hearing within 15 calendar days of the date the invoice was mailed.

414.12 ENFORCEMENT OF APPLICABLE LAWS

This policy is in reference to the application of the Loud Party Ordinance. Nothing in this policy is intended to supersede an officer's discretionary ability to utilize applicable laws in the enforcement of disturbance situations (e.g., Private Persons Arrest, PC §414 etc.).

Loud Party/Social Host violations are issued using an Administrative Citation process (civil) as provided for in the City municipal code. As such, a person shall not be subject to arrest for simply refusing to sign the violation citation. If a person refuses to sign the citation, the officer should notify a supervisor. The officer will then write REFUSED in the signature area of the citation and provide the violator his/her copy. The officer will document the refusal in a supplemental report.

Irvine Municipal Code Violations Procedures

415.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance of municipal code violations within the city.

415.2 VIOLATIONS OF THE IRVINE MUNICIPAL CODE

With the adoption of the revised ordinances and bail schedule (1-14-2000) most violations of the Irvine Municipal Code have a split filing status and a split bail schedule. Most can be classified as either an infraction or a misdemeanor, based on the violation, with a separate bail set for each crime classification. (i.e., Sleeping in a vehicle; 1st violation - infraction - \$50 fine, 2nd violation - misdemeanor - \$100 fine). A separate reference card (redi-ref) will be provided outlining the violations that can be cited as misdemeanors only or infractions only – not the split status sections.

All violations of the Irvine Municipal Code, both infractions and misdemeanors, will be handled via citation, unless circumstances listed in Penal Code Sections 853.5 or 853.6 exist.

All split status sections will be cited as infractions unless exceptional conduct is noted. The upgrade to misdemeanor status will be made when:

- (a) The defendant has been cited prior for the same violation within a one-year period.
- (b) When the violation is severe in nature.

415.3 CITATION PROCEDURES

- (a) Irvine Municipal Code – Infractions
 1. Complete a regular Irvine Police Department Notice to Appear
 2. Mark the “Non-traffic” box on the top of citation
 3. No Department Record (DR) number will be issued
 4. Assign an appearance date as usual
 5. No written report required
- (b) Irvine Municipal Code – Misdemeanors
 1. Complete a regular Irvine Police Department Notice to Appear
 2. Mark the “Misdemeanor” box on the top of the citation
 3. Mark the “Non-traffic” box on the top of the citation
 4. A DR number will be issued
 5. Assign an appearance date as usual
 6. Written report required

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415.4 AFFIDAVIT OF CUSTODIAN OF CITY OF IRVINE RECORDS

In the event a citation for a business code violation is challenged in court regarding an Irvine Municipal Code violation, the arresting officer will have an "Affidavit of Custodian of City of Irvine Records" form completed prior to court by the appropriate custodian of that license. The completed form then becomes part of the master case. This form can then be used in court by the arresting officer as proof that the license was not in existence at the time of the arrest.

415.5 COURT ROOM PROCEDURES

The responsibility of prosecution of IMC violations rests solely with the arresting officer. The officer will have to present the evidence necessary to assure a conviction. If the defendant's violation was charged as a misdemeanor, and appears with legal counsel, the District Attorney's Office should be immediately advised, and they will provide a Deputy District Attorney to prosecute the case for the officer.

Cite and Release Policy

416.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

416.2 POLICY

It is the policy of the Irvine Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

416.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

416.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

416.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the watch commander or the authorized designee.

416.4 NON-RELEASE

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416.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Rape of a spouse (Penal Code § 262)
- (f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (g) Stalking (Penal Code § 646.9)
- (h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

416.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The watch commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 1. The Irvine Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

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- (e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).
- (f) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
 - (a) Previous failure to appear is on record
 - (b) The person lacks ties to the area, such as a residence, job, or family
 - (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the watch commander for approval and included with the case file in the Records Bureau.

416.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to watch commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.

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- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

416.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Irvine City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Bureau for further action including diversion.

416.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Homeless Persons

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Irvine Police Department recognizes that members of the homeless community are often in need of special protection and services. The Irvine Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

418.1.1 POLICY

It is the policy of the Irvine Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

418.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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418.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

418.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

418.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a

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supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

418.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

418.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Crisis Intervention Incidents

419.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

419.1.1 DEFINITIONS

Definitions related to this policy include:

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

419.2 POLICY

The Irvine Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

419.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

419.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

Crisis Intervention Incidents

419.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

419.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Crisis Intervention Incidents

419.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

419.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

419.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

419.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

419.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

419.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Mental Illness Commitments

420.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

420.2 POLICY

It is the policy of the Irvine Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

420.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50). Officers should use caution and never compromise their safety or the safety of others when dealing with individuals displaying symptoms of mental illness.

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

420.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a WIC §5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a WIC §5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the WIC §5150 commitment, if appropriate.

Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission (refer to documentation under 420.7.2 - Completion of Reports).

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420.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help assist with control of the patient, if needed.

420.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the Incident-Mental Health Related report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

The officer shall complete an incident report documenting the contact, whether it is a voluntary or involuntary evaluation, and the name of the physician with whom they spoke to (refer to 420.7.2-Completion of Reports).

420.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

420.4 CONSIDERATIONS AND RESPONSIBILITIES

The following considerations should be made when handling mental health related calls.

420.4.1 MENTAL HEALTH ASSIST (MHA)

A "Mental Health Assist" (MHA) exists when any of the following are true:

- (a) The officer responds to a call for service involving any person who is experiencing a mental health issue, or;
- (b) The officer investigates, and after considering all known facts, determines the person does NOT meet the criteria of WIC §5150 and, therefore, cannot involuntarily detain the individual, or;
- (c) The person nonetheless is desirous of mental health services at the time and wishes our assistance, or;
- (d) The officer assists the person in accessing mental health services by doing ANY of the following:
 1. Facilitating transportation to any location in order for the individual to receive treatment
 2. Coordinating care with a mental health professional
 3. Coordinating treatment at a mental health facility
 4. Coordinating and/or communicating with family members, friends or mental health professionals in regards to the person's mental health care.

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420.4.2 MEDICALLY COMPROMISED DEFINED

Medically Compromised: This term is used to refer to a patient who has sustained any physical condition that is likely to render him/her a medical risk or incapacitated either physically or mentally.

A person who is medically compromised may be someone who:

- (a) Has sustained an injury, visible or not, requiring medical assessment and treatment;
- (b) Has a pre-existing medical condition that requires immediate medical attention;
- (c) Has recently ingested/inhaled an illegal drug or narcotic and shows symptoms of being under the influence.
- (d) Has a BAC concentration of .15% or higher.
- (e) Is believed to have taken steps to harm themselves to the extent that a serious medical condition may be present requiring medical evaluation and clearance. Examples of situations that may require further medical evaluation and clearance include suspected overdose, attempted strangulation or asphyxiation.

420.4.3 ADULT MEDICALLY COMPROMISED PROCEDURES

If the subject is "Medically Compromised" as defined above, the officer should do the following:

- (a) Request paramedics respond to evaluate the subject and make an assessment as to the best course of action to treat the subject's medical condition. If paramedics determine that further medical treatment is necessary, the subject should be transported by ambulance to the nearest hospital.
- (b) Once at the hospital, the officer should communicate to hospital staff the reason for the contact, hospitalization and information that led the officer to believe he or she met the criteria for WIC §5150.
- (c) It is the discretion of the treating physician if they would like the officer to complete the state WIC §5150 form. Each hospital has their own policy for treating patients who meet the WIC §5150 criteria.
 - 1. At the request of the attending physician, the officer may complete the WIC §5150 form and leave it with the hospital staff. The officer should keep in mind that doing so will leave the responsibility of finding placement in a psychiatric facility on the hospital and not the PET or CAT teams.
 - 2. If the attending physician requests that the officer does not complete the WIC §5150 form, it will be the responsibility of the hospital to contact the PET team for evaluation and placement once the subject is medically cleared.

Regardless of whether or not the officer completes the state WIC §5150 form, the officer should remain at the hospital with the detainee until the conditions described under section 420.4.4(d) (1) of this policy have been met.

420.4.4 ADULT MENTAL HEALTH DETENTION (MHD)

If the subject is not "Medically Compromised" the officer should do the following:

- (a) The officer may contact the Centralized Assessment Team (CAT) and request that a team member respond to the field to provide an evaluation of the detainee. If the

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CAT team member determines that the detainee meets the criteria for WIC §5150, they will arrange for transportation to, and placement at, a Designated Facility.

- (b) The officer may also contact Crisis Stabilization Unit and request to transport the subject to their facility for further evaluation and treatment.
- (c) If the Crisis Stabilization Unit refuses, or is unable, to accept the detainee, the officer may request assistance from Crisis Stabilization Unit staff in locating the nearest Designated Facility that is available to accept the detainee. Officers may also refer to the list of Designated Psychiatric Facilities included in this policy under 420.6.1 and contact them directly to determine availability.
 - 1. Once the nearest available Designated Facility is identified, the officer should contact that facility directly and confirm that they are available to accept the detainee.
 - 2. If they are available, the officer should inform the hospital staff that he/she is en route with a subject detained for WIC §5150.
 - 3. Once at the Designated Facility, the officer should complete the state WIC §5150 form and provide it to hospital staff for review.
 - 4. The officer should remain at the Designated Facility until the state WIC §5150 form is accepted by hospital staff and they no longer need the officer's assistance with providing security for the detainee and/or their own staff is present to provide security as needed.
- (d) Officers shall attempt to locate a bed at a designated facility and transport the subject to that location. However, if the above options are not available, the officer may transport the detainee to a local hospital, such as Kaiser or Hoag Irvine.
 - 1. Once an officer has detained a person under the provisions of WIC §5150 that officer is responsible for the safety and welfare of the detainee. Once a detention has begun, the detaining officer shall ensure the person held is in the immediate company of a police officer until the following conditions have been met:
 - (a) The attending physician at a hospital confirms that he/she will be responsible for summoning a Psychiatric Evaluation Team (PET), Crisis Assessment Team (CAT) or other mental health professional who has the authority to place WIC §5150 holds to evaluate the patient's mental state, AND the attending physician has agreed to accept responsibility for the ongoing safety and welfare of the patient. In addition to this requirement, factors the handling officer shall also consider in deciding whether or not to leave the patient with hospital or emergency room staff include:
 - 1. The level of cooperation of the patient.
 - 2. Any force that may have been used to take the patient into protective custody.
 - 3. Whether or not the person is unconscious, and how long the patient may be in this state.

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4. Any injuries the person has sustained.
5. Whether or not the person is ambulatory, as assessed by any injuries the patient may have precluding physical movement, or any restraints the hospital staff may be utilizing to restrict movement.
6. The hospital's willingness to utilize orderlies or other hospital staff to physically restrain the detained subject.
7. The patient's age; special consideration shall be given to juveniles; officers shall consult with a supervisor when the person to be evaluated for a mental health detention is under 18.

Under **NO** circumstances shall an officer leave a patient at a hospital if the person is in custody for a criminal violation.

- (e) An officer who decides to leave a patient at a hospital pursuant to section (a) above must ensure ALL of the following occur:
 1. The officer has consulted with a field supervisor, and a supervisor concurs with the assessment that leaving the patient in the care and custody of hospital staff is reasonable and prudent, given the circumstances;
 2. The name of the attending physician who has agreed to accept responsibility for the ongoing safety and welfare of the patient must be recorded by the handling officer for inclusion in the officer's report;
 3. The officer must complete an appropriate report that clearly documents all of the relevant facts pertaining to the incident. The report should include a detailed description that clearly articulates the objective observations and facts supporting a detention pursuant to WIC §5150;
 4. The officer must provide the attending physician with a verbal summary of all relevant observations relating to the person's mental condition which led to the officer's assessment that the person fits the criteria of WIC §5150, including any amount of force that was used to detain the subject;
- (f) The person is secured in an ambulance or other transport vehicle from a designated mental health facility, and the officer has been released by the mental health assessment team member responsible for transporting the person to a designated mental health facility.
- (g) The person has been admitted to a designated mental health facility.
- (h) The person has been evaluated by a PET or CAT member, or other authorized mental health professional and deemed not to meet the criteria of WIC §5150 at the time of the evaluation and, therefore, not in need of placement into a designated mental health care facility.

420.4.5 JUVENILE MENTAL HEALTH CONTACTS/DETENTIONS

The authority to detain a juvenile for a mental health evaluation is Welfare and Institution Code WIC §5585, not WIC §5150. Due to the uniqueness of their treatment, there are a very limited number of facilities in Orange County that have inpatient treatment services for juveniles. These facilities are

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College Hospital in Costa Mesa, UCI Medical Center in Orange, and CHOC (Children's Hospital Orange County).

During calls for service in which an officer makes contact with a juvenile under the age of 18 in the community who the officer determines, **based on probable cause**, meets the criteria set forth in WIC §5585, and as a result of a mental illness, is considered a danger to self, danger to others, and/or is gravely disabled, officers should follow the procedures outlined below.

- (a) If the juvenile is "Medically Compromised" as defined under section 420.4.2 above, the officer should do the following:
 1. Request paramedics respond to evaluate the juvenile and make an assessment as to the best course of action to treat the juvenile's medical condition. If paramedics determine that further medical treatment is necessary, the juvenile should be transported by ambulance to the nearest hospital.
 - (a) Once at the hospital, the officer should communicate to hospital staff the reason for the contact, hospitalization and information that led the officer to believe he or she met the criteria for WIC §5585.
 - (b) It is the discretion of the treating physician if they would like the officer to complete the state WIC §5150 form. Each hospital has their own policy for treating patients who meet the WIC 5585 criteria.
 1. At the request of the attending physician, the officer may complete the WIC §5150 form and leave it with the hospital staff. The officer should keep in mind that doing so will leave the responsibility of finding placement in a psychiatric facility on the hospital and not the PET or CYS CAT Team.
 2. If the attending physician requests that the officer does not complete the WIC §5585 form, it will be the responsibility of the hospital to contact the PET team or CYS CAT team for evaluation and placement once the juvenile is medically cleared.
 3. Regardless of whether or not the officer completes the state WIC §5585 form, the officer should remain at the hospital with the juvenile until the conditions described under section 420.4.4(d)(1) of this policy have been met.
- (b) If the juvenile is not "Medically Compromised" the officer should do the following:
 1. Due to the limited number of facilities in Orange County that can accept juveniles for treatment of mental illness, it is strongly encouraged that officers contact the Crisis Assessment Team Children and Youth Services Unit (CYS CAT) and request a team member respond to the field to provide an evaluation of the detainee. CYS CAT can be reached at the same number as the CAT team, 1-866-830-6011. If the CYS CAT team member determines that the juvenile meets the criteria for WIC 5585, they will arrange for transportation to, and placement at, a Designated Facility.

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- (a) CYS CAT team members can respond to a variety of locations including residences, hospital emergency rooms, police departments, schools, group homes, emergency shelters, probation departments, the Child Abuse Services Team (CAST) office, as well as other community locations.
- (b) The officer must notify the minor's parent or legal guardian as soon as possible after initial contact and request they respond. CYS CAT will require the parent or guardian to be present prior to conducting an evaluation.
- (c) When responding to a residence, the CYS CAT member will request that they be accompanied by a police officer.
- (d) In situations where the parent or guardian of the juvenile requests to transport the juvenile on their own, officers may release the juvenile directly to them. In these situations, officers should make an effort to connect the parent or guardian to mental health services.

420.4.6 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

420.5 TRANSPORTATION

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, notification to a supervisor is required before transport commences. Officers should notify the receiving facility of any relevant information including level of cooperation and estimated time of arrival.

420.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a WIC §5150 commitment and remain present to provide clarification of the grounds for detention, upon request. Under no circumstances

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shall an officer transport a medically compromised persons, and shall contact OCFA to arrange for transport and evaluation.

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420.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report unless the attending physician states they will complete it (see requirements under 420.4.4 and 420.4.5). If the physician wishes to complete the detection form, then the physician's name shall be included in the report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

420.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

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420.7.2 COMPLETION OF REPORTS

The following rules shall be utilized to determine how to correctly document any incident in which an officer handles a call involving a subject who meets the criteria of a Mental Health Detention (MHD) under 420.4.1.

- (a) If a crime has occurred, in addition to a WIC 5150 detention, then all crime types shall be listed first on the face page of a Consolidated Occurrence Report; WIC §5150 shall be listed below the criminal charges.
- (b) If no crime has occurred, then the report shall be titled as a WIC §5150 report.
- (c) The handling officer will have the discretion to complete the state WIC §5150 form; sometimes the hospital may itself request to complete the formal WIC §5150 form, and this is acceptable. The ultimate decision to complete the WIC §5150 form rests with the officer who has made the determination the person meets the criteria of WIC §5150. However, irrespective of whether the officer completes the state WIC §5150 form, the officer must complete a narrative report that clearly documents all of relevant facts pertaining to the incident, including the objective observations and facts supporting a detention pursuant to WIC §5150. The subject will be listed as a “mental health detainee” on their subject area of the report.

The following rules shall be utilized to determine how to correctly document any incident in which an officer handles a call involving a subject who meets the criteria of a Mental Health Assist (MHA) under 420.4.2.

- (a) If a crime has occurred in addition to a MHA, then all crime types shall be listed first on the face page of a Consolidated Occurrence Report; Incident-Mental Health Related” shall be listed below the criminal charges.
- (b) If no crime has occurred, then the report shall be titled as an “Incident-Mental Health Related” report and the subject will be listed as a “mental health assist” on their subject area of the report.

420.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a WIC §5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the WIC §5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a WIC §5150 commitment.

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In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

420.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a WIC §5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)).

420.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

420.10 TARASOFF NOTIFICATIONS

Mental health professionals have a duty to warn in circumstances where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. In these situations, the psychotherapist's duty is to make a reasonable effort to communicate the threat to the victim or victims and to a law enforcement agency where

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the victim(s) reside [Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (Cal. 1976)].

Upon receipt of a Tarasoff notification, a call for service shall be created and an Incident-Mental Health Related Incident report will be taken which will detail the information provided, any assistance completed in helping the reporting party locate the intended victim, and confirmation that the notification was provided to dispatch for entry via the DOJ database.

Upon receipt of the Tarasoff notification, the Irvine Police Department shall notify the Department of Justice electronically, within 24 hours (Welfare and Institutions Code 8105(c)). This will be accomplished by providing the notification to dispatch, who will in turn make proper entry into the DOJ database. Proof of this entry will be printed and attached to the Incident-Mental Health Related incident report.

420.11 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Civil Disputes

421.1 PURPOSE AND SCOPE

This policy provides members of the Irvine Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

421.2 POLICY

The Irvine Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

421.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

421.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

421.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

421.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

421.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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First Amendment Assemblies

422.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

422.2 POLICY

The Irvine Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

422.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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422.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities or there is reasonable suspicion that the subject of the information is involved in criminal conduct.

422.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Bureau, and the assignment of a supervisor may be requested. Additional resources should be requested as appropriate. Any responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

422.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

422.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

422.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of portable recording devices.

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422.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

422.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and/or video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

422.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

422.8 ARRESTS

The Irvine Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

422.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

422.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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422.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Communications Bureau records/tapes
- (g) Media accounts (print and broadcast media)

422.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

422.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Public Recording of Law Enforcement Activity

423.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.2 POLICY

The Irvine Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

423.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

423.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

423.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Immigration Violations

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Irvine Police Department relating to immigration and interacting with federal immigration officials.

424.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

424.2 POLICY

It is the policy of the Irvine Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

424.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

424.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

424.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify

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whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

424.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

424.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

424.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

424.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

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Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

424.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Irvine Police Department intends to comply with the request (Government Code § 7283.1).

If the Irvine Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

424.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Irvine Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

424.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.

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- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

424.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations Bureau supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Bureau Policy).

424.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Bureau supervisor assigned to oversee the handling of any related case. The Investigations Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

424.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

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Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

424.8.2 REPORTING TO LEGISLATURE

The Investigations Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

424.9 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Foreign Diplomatic and Consular Representatives

425.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Irvine Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

425.2 POLICY

The Irvine Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

425.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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425.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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425.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

425.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

425.7 DEATHS OF FOREIGN NATIONALS IN CALIFORNIA

The Vienna Convention on Consular Relations sets forth generally the various functions of consular posts in California. One of these functions is to safeguard the interests of foreign nationals who may be visiting or residing in California. Article 37 of the Convention specifically requires notification without delay to a consular official in the case of the death of a national of his/her country in California. Such notification assists consular officials in advising next of kin and other appropriate parties on a timely basis.

A current list of telephone numbers and FAX numbers for all foreign consulates and embassies are available in the Custody Office, the Watch Commander's Office and on the Intranet.

Inquiries concerning the above may be addressed to the Assistant Legal Adviser for Consular Affairs, U.S. Department of State, Washington, DC, 20520; Telephone (202) 647-4415; FAX (202) 647-4802. Telephone inquiries after normal business hours may be directed to the Command Center of the Bureau of Diplomatic Security at (202) 647-7277.

Medical Marijuana

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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426.2 POLICY

It is the policy of the Irvine Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Irvine Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

426.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

426.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

426.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

426.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 1. The suspect has been identified and can be easily located at a later time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
1. The amount of marijuana recommended by a medical professional to be ingested.
 2. The quality of the marijuana.
 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

426.3.5 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

426.3.6 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

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- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

426.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

426.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Bureau supervisor.

Aircraft Accidents

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

427.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

427.2 POLICY

It is the policy of the Irvine Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

427.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

427.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

427.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)
- (d) Closest military base if a military aircraft is involved
- (e) Federal Aviation Administration (FAA)
- (f) National Transportation Safety Board (NTSB)
- (g) State of California Department of Transportation – Department of Aeronautics
- (h) Appropriate Command Staff notifications, per policy

427.5.1 NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

The NTSB has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this policy.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene. Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred. If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities, or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

427.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA
- (b) Fire department, EMS or other assisting law enforcement agencies
- (c) Coroner
- (d) Air Carrier/Operators investigative teams with NTSB approval
- (e) Appropriate branch of the military, when applicable

Aircraft Accidents

- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists)

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

427.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

427.8 DOCUMENTATION

All aircraft accidents occurring within the City of Irvine shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of IPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

The Criminal Investigations Division (CID) Manager shall be responsible for forwarding a copy of the accident report to any affected government agency who requests a copy.

427.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

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1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
 - (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
 - (e) Acquire copies of any recordings from security cameras that may have captured the incident.

427.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

427.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Crime and Disaster Scene Integrity

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

428.2 POLICY

It is the policy of the Irvine Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

428.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

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Crime and Disaster Scene Integrity

428.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

428.5.1 CONSENT

When possible, officers should seek verbal and/or written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

428.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Crime Scene Investigation

429.1 MANAGEMENT AND SUPERVISION

The Crime Scene Investigation (CSI) Unit falls under the Operations Division Commander who will assign an Operations Division Lieutenant to manage the unit. The Forensic Supervisor, with assistance from the Operations Lieutenant, is responsible for unit operations, including, but not limited to:

- (a) Budgeting
- (b) Identification and procurement of needed equipment
- (c) Personnel selection and training
- (d) Liaison with the Orange County Crime Lab and other members of the forensic community
- (e) Scheduling
- (f) Crime scene supervision
- (g) Performance appraisals
- (h) Quality control oversight

In the absence of the forensic supervisor, on-duty field supervisors shall maintain functional supervision of on-duty forensic specialists.

429.2 FORENSICS SPECIALIST

Forensic specialists assigned to the CSI Unit are tasked with the responsibility to record, collect and preserve evidence of criminal activity. Field supervisors may assign forensic specialists to tasks not in conflict with the unit's primary function.

429.3 CSI PERSONNEL CALL-OUT

Off-duty unit personnel may be called into service for an established department need, as determined by a supervisor. An established need should be limited to:

- (a) Serious crimes requiring timely crime scene processing
- (b) Incidents involving the potential for city liability

The forensic supervisor may also be called to perform forensic duties as needed; however, he or she shall also function as the unit supervisor during complex crime scene investigations. The forensic supervisor will establish and maintain a liaison with the Orange County Crime Lab, the Orange County Sheriff/Coroner Investigator, and other agencies responsible for the forensic processing at a critical incident.

Crime Scene Investigation

429.4 HOLDING CSI CALLS

Occasionally, forensic specialists are not readily available for scene processing. By following the protocol identified below, patrol officers can ensure preservation of potential evidence until a forensic specialist can respond:

- (a) Notify the Crime Scene Investigations Unit of the need for scene processing, using the Computer Aided Dispatch (CAD) System. Dispatch may be able to assist the employee with notification. Personnel may choose to notify CSI of the service need by calling the CSI Service Message Center (724-7052).
- (b) Provide enough specific information for the forensic specialist to adequately process the scene. Include the Department Record Number, the crime committed, victim's name, address or location, investigating officer's name, and the type of service requested (e.g., photographs, evidence collection, latent fingerprint identification, etc.).
- (c) Be specific about the location of the questionable items. The forensic specialist should be able to readily locate the potential evidence without the presence of the officer or the victim.
- (d) Provide adequate instructions to the victim or person controlling the scene.
- (e) Advise the victim of the delay. Ensure he or she is able to protect the area. The officer may need to help the victim secure the scene from contamination by arranging chairs, closing doors, or providing some other protective measure.
- (f) Do not promise a specific response time unless the forensic specialist assigned to the call gives one. Service calls are generally answered in the order they are received. The severity of the crime and the nature of the processing are also considered.

Processing Sexual Assault Evidence

430.1 PURPOSE AND SCOPE

The proper collection and processing of physical evidence is vital to the success of any sexual assault investigation. The challenge for the investigating officer is to ensure that evidence is collected with as little additional trauma to victim as possible and that the evidence is processed following a defined protocol and a clearly established chain of custody.

Processing Sexual Assault Evidence

430.5 PROCESSING SUSPECT EVIDENCE KITS

Suspect evidence kits are only stored in CSI and can only be accessed by CSI personnel after hours.

The suspect evidence kit should be completed when a suspect has been arrested in a timely manner compared to the time frame of the crime. In the event the suspect evidence kit is required, CSI should be contacted to process the suspect. Once the suspect evidence kit is completed, CSI will book the evidence kit into evidence.

It is the responsibility of the assigned detective to submit an online request to OCCL to have the suspect sexual assault evidence kit analyzed by the OCCL (www.occl.ocgov.com/Apps/Logon).

Once the sexual assault evidence kits have been analyzed by OCCL, they will be returned to Irvine Police Department Property. Once received, property will contact the assigned detective to have them book the urine standard, blood standard, and sexual assault evidence kit into evidence. A supplemental report documenting this will need to be completed by the detective booking the urine standard, blood standard and the sexual assault kit into IPD evidence.

Biological Samples

431.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

431.2 POLICY

The Irvine Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

431.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

431.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

431.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

431.4.2 FOLLOW UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal

Biological Samples

investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

431.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

431.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

431.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

431.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

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431.6.1 DOCUMENTATION RELATED TO FORCE

The watch commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

431.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

431.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Computers and Digital Evidence

432.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

432.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.

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- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

432.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

432.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

432.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

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- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

432.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

432.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

432.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

432.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The Evidence technicians and/or department authorized digital forensic experts are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

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- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

432.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

432.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Evidence technicians and/or department authorized digital forensic experts are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Bicycle Patrol Unit / Personal Electric Vehicle

433.1 PURPOSE AND SCOPE

The Irvine Police Department has authorized the use of bicycles for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

433.1.1 DEFINITIONS

Full Suspension Electric Bicycles: Officers who are trained in a department approved electric bicycle class are authorized to use the electric bicycles at the discretion of the field supervisor. Electric bicycles are not Code-3 Equipped and do not have police identifiers. Officers and Supervisors should consider this prior to deployment.

Open Space Bicycle Patrol: Officers who are trained in a department approved electric bicycle class are authorized to use the full suspension electric mountain bicycles in the Open Space. Officers who are not trained shall use the patrol bicycle or mountain bicycles, which are located at the Quail Hill Loop facility.

Pre and Post-Ride Checklist: Prior to use, the bicycle operator will inspect his or her assigned bicycle to ensure it is safe and ready for use. In the event the bicycle or any of its components are damaged and in need of repair, it is the responsibility of the operator to complete and forward a service request to the department's bicycle repair mechanic (PS_Bike Repair). At the end of the shift, the operator will clean the bicycle and ensure it is ready for immediate deployment.

Personal Electric Vehicle (PEV) (VC §407): Is any 3 or 4 wheel vehicle designed to carry not more than one person, having an electric motor capable of propelling the vehicle at not more than 30 miles per hour.

433.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the assigned supervisor or the watch commander.

433.3 BICYCLE PATROL SUPERVISION

The assigned supervisor will be selected from the rank of sergeant by the Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

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- (a) Ensuring the bicycle storage room(s) are organized and equipped with the necessary items to ensure the bicycles are operational.
- (b) Scheduling bicycle maintenance and repairs.

433.4 TRAINING

Officers working bicycle assignments must complete a three day, POST approved bicycle-training course or have completed the Department's in-house training.

433.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

Any officer or sergeant who attends a department approved bicycle training course is eligible to acquire a Department issued bike uniform. In subsequent years, shorts and shirts that need to be replaced due to wear and tear may be substituted for an individual's annual allotment of uniform pieces.

Department Issued:

- (a) Department approved navy blue shorts, navy blue polo shirt, bicycle helmet, and black bicycle gloves.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

433.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.

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- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

433.7 PERSONAL ELECTRIC VEHICLE

Officers utilizing a PEV must complete a department approved course. Officers leaving a Department PEV unattended for any reason should, if circumstances permit, ensure that it is properly secured so that no unauthorized persons may remove the vehicle, its accessories or contents.

Safety Considerations:

- (a) Personnel operating a 3-wheeled PEV shall wear a helmet.

Law Enforcement EMT-B

434.1 PURPOSE AND SCOPE

The Irvine Police Department has an approved Emergency Medical Technician Basic (EMT-B) program. The purpose of the program is to allow EMT-B certified police officers and civilian field personnel to provide basic life support care as a collateral duty. Field personnel are frequently the first to arrive at or come upon the scene of a medical emergency or incident resulting in injury. The Department recognizes the unique capabilities EMT-Bs offer the public by providing immediate lifesaving medical assistance while awaiting the arrival of Emergency Medical Services/Fire (EMS/Fire) personnel. Additionally, during tactical incidents, Sworn EMT-Bs may provide lifesaving treatments, until it is safe for EMS/Fire personnel to enter.

434.2 POLICY

EMT-Bs may provide basic life support care to injured persons until such time EMS/Fire personnel arrive on scene. EMT-Bs may also assist EMS/Fire personnel (paramedics, other EMTs) at their request to; establish a triage area, assist in a mass casualty event or continue to provide basic life support assistance. EMT-Bs are permitted to provide care within the scope of their position and certification.

434.3 APPOINTMENT

Sworn personnel and civilian field personnel who possess a California EMT license may participate in an internal selection process as determined by the Chief of Police or his/her designee. Personnel qualified to participate include all sworn personnel, Park Safety Officers, Community Services Officers, Crime Scene Investigators, Civilian Investigators (Traffic and CID), Parking Enforcement Officers, and Animal Services Officers.

434.3.1 TRAINING

Prior to designation as an IPD EMT-B, personnel must:

- Pass an Emergency Medical Technician Basic Course consisting of skills assessment as well as clinical training.
- Pass the National Registry Emergency Medical Technician examination.
- Obtain and submit a current CPR card along with the above-earned National Registry certificate to Orange County EMS and receive a California State EMT license.

434.4 CONTINUING EDUCATION AND TRAINING

Every two years, every EMT-B must complete the requisite continuing education, skills verification testing, and CPR recertification and renew their certification through the State by submitting all documentation to Orange County EMS. Additionally, EMT-B personnel are encouraged to complete the continuing education to meet the National Registry Recertification requirements. Each EMT-B is responsible for submitting all required documents to applicable regulating agencies

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and the EMT-B Supervisor. Failing to recertify with the State will result in the immediate release from the EMT-B Program.

434.5 EMT-B PROGRAM SUPERVISOR

The EMT-B Program Supervisor should be a sergeant who has or is in the process of successfully completing the Emergency Medical Technician Basic Course. The EMT-B supervisor is responsible for:

- Participating in the selection of EMT-B personnel.
- Coordinating, arranging and monitoring ongoing training.
- Maintaining all training records and files.
- After-action review of any EMT-B involved incident.
- Ensuring the department maintains EMT supplies.

434.6 RESPONSE PROTOCOLS

EMT-B personnel may be dispatched to a medical emergency or an incident involving an injury in the City of Irvine when:

- Based on proximity to the call, there exists the likelihood the EMT-B personnel would arrive on-scene prior to EMS/Fire personnel.
- Are authorized by a Supervisor.
- The incident or event is of such significance the response of an EMT-B personnel would support responding EMS/Fire personnel.

Nothing in this section shall prevent an EMT-B from rendering aid as an EMT-B when summoned by any member of the public or upon discovery (first on scene) of any incident wherein basic life support measures are needed. As soon as practicable after the EMT-B begins providing EMT-B services, they shall request the assistance of local EMS/Fire.

434.6.1 CODE 3 RESPONSE

Sworn EMT-Bs dispatched to a medical emergency may respond Code-3 if the circumstances require such a response as outlined by Irvine Police Department's Officer Response to Calls policy.

434.6.2 DOCUMENTATION

When an EMT-B renders aid or care to an individual and such aid or care is beyond the scope of standard first aid and CPR training, the EMT-B shall complete and submit an incident report detailing the incident and care provided and notify the EMT-B supervisor either verbally or via email prior to the end of his or her shift.

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434.7 MAINTENANCE AND REPLACEMENT

EMT-B field personnel are responsible for the inspection of issued EMT-B kits at the beginning of each shift and for the proper maintenance and storage of the kit, consistent with current EMT-B best practices. The Program Supervisor will issue replacement equipment/kits.

Ride-Along Policy

435.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

435.1.1 ELIGIBILITY

The Irvine Police Department Ride-Along Program is offered to IPD applicants, IPD Cadets, IPD Explorers, and those employed within the City of Irvine. However, at the discretion of the Scheduling Lieutenant, an exception may be made for Irvine residents and others deemed appropriate. Every attempt will be made to accommodate interested persons however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

435.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. With the exception of department personnel, ride-alongs will not attend patrol briefing and will wait in the IPD front lobby area until the assigned officer is ready for them. Exceptions to this schedule may be approved by the Chief of Police, Scheduling Lieutenant, or staff in the Office of Professional Development.

435.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled with the designated ride-along civilian coordinator. The applicant will complete a ride-along waiver form and supply this form to the civilian ride-along coordinator. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The civilian ride-along coordinator will complete a preliminary examination of the ride-along applicant's supplied information to ensure they do not possess a disqualifying factor prior to placing the applicant on the ride-along calendar. If the ride-along is denied during this initial examination phase, the civilian ride-along coordinator will contact the applicant and advise him/her of the denial.

The civilian ride-along coordinator will schedule a date and shift, based on availability, at least two weeks after the date of application. The selected date and shift will be inputted onto the "Ride-

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Along” public folder calendar. Next, the civilian ride-along coordinator will notify the Scheduling Lieutenant of this calendar update as soon as possible for his/her considerations. The Scheduling Lieutenant will be responsible for reviewing the ride-along entries on the calendar and notifying the Patrol Sergeant(s) on the applicable shift.

The Scheduling Lieutenant retains overall supervision of the ride-along program. He/she may designate an alternative person (civilian or sworn) to assist them in their scheduling duties whenever appropriate.

On the date of the ride-along, the assigned patrol officer will re-verify the information on the participant’s ride-along application and complete a criminal history check on the ride-along prior to allowing the ride-along to enter into department restricted space(s) and/or enter into the officer’s patrol vehicle. If the ride-along is denied (due to disqualifying factors) during this secondary verification phase, the patrol officer’s supervisor will notify the applicant of his/her denial.

435.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the watch commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer’s vehicle at a given time.

Ride-along requirements for police explorers are covered in the Police Explorer Policy.

435.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The watch commander or field supervisor may refuse a ride along to anyone not properly dressed.

435.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the watch commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

435.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Irvine Police Department).

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435.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

435.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) The officer may terminate the ride-along at any time and return to the ride-along to the station if they interfere with the officer's duties.
- (e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (g) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Mobile Digital Computer Use

436.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Communications Bureau.

436.2 POLICY

Irvine Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

436.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

436.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or watch commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

436.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Mobile Digital Computer Use

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

436.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the watch commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

436.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident.

436.6 EQUIPMENT CONSIDERATIONS

436.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Bureau. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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Mobile Video System (MVS) & Digital Audio Recorder (DAR) Operations

437.1 PURPOSE AND SCOPE

The Irvine Police Department recognizes audio and audio-visual recording of contacts between department personnel and the public can provide an unbiased record of these events. The use of a recording system complements field personnel in the performance of their duties and provides a record of enforcement-related as well as non-criminal incidents that can enhance criminal prosecutions and mitigate civil liability. Audio and audio-visual recordings afford the employee and the department the opportunity to review interpersonal skills and officer safety matters. The digital recordings are to be regarded as a valuable training tool providing the opportunity for review and constructive instruction by department supervision. Digital recordings may be used as evidence to prove or disprove allegations of official misconduct as allowed by law.

This policy outlines the requirements of the Mobile Video System (MVS) and Digital Audio Recorders (DAR) including data processing and storage. It also articulates department mandates, guidelines and restrictions of personnel assigned to use this equipment.

437.2 POLICY

It is the policy of this department that either an audio-visual recording or digital audio recording shall be made by every employee who has been issued a DAR, or who operates a vehicle equipped with a MVS during all designated contacts with members of the community.

- (a) When the MVS is in use and operating properly, there is no requirement to activate the DAR.
- (b) Should the MVS fail to operate during a designated contact (e.g., defective equipment, officer's distance from the police vehicle, etc.) personnel shall use the DAR to record the event.

437.3 DESIGNATED CONTACTS DEFINED

Personnel shall activate the MVS or DAR in accordance with the criteria below:

- (a) Personnel shall use the MVS or DAR to record all dispatched calls for service, unless it is clear there will not be any contact with members of the public.
- (b) Personnel shall use the MVS or DAR to record investigative interviews of involved persons in criminal investigations.
- (c) Personnel shall activate the MVS (including the wireless microphone) or DAR during all field contacts initiated from a police vehicle. Examples would include vehicle stops, arrests, DUI observations, including field sobriety testing, traffic enforcement and pedestrian stops.
- (d) Personnel shall activate the MVS or DAR (or continue recording an event) when transporting subjects, whether in-custody arrestees or community members, in the rear seat of the vehicle.

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- (e) Personnel shall activate the MVS or DAR on all detentions (e.g., pedestrian stops) and arrests.
- (f) Supervisors shall use their MVS or DAR when interviewing members of the public who are lodging a citizen complaint against any member of the Department.
- (g) Personnel are strongly encouraged to activate the MVS or DAR on all other official contacts. Official contacts include all service related calls for service and officer initiated contacts.
- (h) Sections (a) through (g) above apply to not only the officer assigned to or handling the designated contact, but all other officers or supervisors present who are assisting on the designated contact.
- (i) Personnel shall not record conversations between a person in the custody of department personnel, or on the property of a law enforcement agency or other public agency, and the person's attorney, religious advisor, or licensed physician without the consent of all parties.
- (j) There is no such requirement for officers to activate their MVS or DAR for casual or social contacts. Such contacts may include conversations with the public:
 - 1. During a meal break.
 - 2. During public relations contacts (e.g., during a presentation to a community group).
 - 3. During brief encounters for greetings or directions.
- (k) A video recording shall be made in all instances of a blood sample being drawn from an arrestee against his or her will. It is the responsibility of the arresting officer and supervisor to assure any involuntary blood sample is collected in a medically acceptable, lawful manner.
- (l) A DAR is not required to record a telephone conversation when speaking to any party on a recorded line.
- (m) The department recognizes there may be legitimate instances in which activating the MVS or DAR is unreasonable, based upon the totality of circumstances surrounding the official contact. In instances where the MVS or DAR was not activated during an official contact, supervisors and managers shall consider the following mitigating factors in determining reasonableness:
 - 1. Whether or not activating the MVS or DAR would have placed the officer's safety at risk, or the safety of a fellow officer, or member of the public.
 - 2. How rapidly an official contact evolved requiring immediate action to preserve life or property, prevent injury, apprehend a suspect, or stabilize or maintain a safe scene.
- (n) In those instances where a MVS or DAR is not activated, due to reasonable mitigating factors as described above, the officer shall activate the MVS or DAR during the official contact as soon as the event stabilizes and it is practical to do so.

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437.4 USE OF THE MVS OR DAR EQUIPMENT - GENERAL PROVISIONS

Penal Code §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

- (a) Authorized department personnel may surreptitiously record any conversation during the course of a criminal investigation.
 - 1. For the purpose of this policy, authorized personnel contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation.
 - 2. For the purpose of this policy, it shall further be presumed that any individual contacted by uniformed police personnel has no expectation of privacy in such a contact.
 - 3. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.
- (b) No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code §3303(g).
- (c) Department personnel shall not in any manner attempt to modify, alter, erase, or tamper with any portion of an audio/video recording, digital audio recording, or any other department-sanctioned recording medium. The records supervisor or designee may split a recording into multiple segments if necessary. (Refer to Release of Records and Information policy).
- (d) Officers are prohibited from utilizing department recorders and recording media for personal use.

437.5 TRAINING AND ORIENTATION PRIOR TO USE OF THE MVS

Department personnel will not use the MVS until they have completed training in the proper use of the system. Training will consist of:

- (a) A review of this department policy on the use of the MVS equipment and Release of Records and Information Policy.
- (b) A review of the MVS functions.
- (c) An orientation and practical demonstration of the system and its associated components.

437.6 COMPONENTS OF THE MOBILE VIDEO SYSTEM

The MVS authorized by the Irvine Police Department consists of:

- (a) Camera(s)

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- (b) Monitor
- (c) Digital Video Recorder
- (d) Wireless Microphone(s)

437.7 DEPARTMENT PERSONNEL RESPONSIBILITIES RELATED TO MVS

All department personnel subject to mandatory use of the MVS equipment shall adhere to the provisions below:

- (a) Personnel shall use the MVS when operating a department vehicle equipped with the system. Department personnel must obtain permission from a supervisor to use a patrol vehicle that is not equipped with an MVS, or to use a vehicle in which the MVS is not functioning.
- (b) It is the responsibility of the officer to ensure the MVS system (including the wireless microphone) is functioning properly before starting a shift.
- (c) If the MVS system is found to be malfunctioning before or during the officer's shift, he/she shall place the vehicle out of service as soon as practicable.
- (d) Personnel shall log into the MVS using their issued Universal Serial Bus (USB) key before starting their duties/assignment.
- (e) After completing their shift, personnel shall log off of the MVS so as to render it available for the next operator.
- (f) Personnel shall ensure a wireless microphone is available in the vehicle at the time of log on and determine it is synced with the MVS. At no time shall an MVS system be operated without an operable wireless microphone.
- (g) If two officers are in a vehicle equipped with a MVS, then both officers shall use a wireless microphone when using the MVS.
- (h) The wireless microphone shall be worn as intended by the manufacturer on an operator's person at all times when using the MVS.
- (i) The wireless microphone transmitter will be left in its cradle/charger, located in the department vehicle, at the end of the shift as each transmitter is assigned to a specific vehicle.

437.8 ACTIVATION OF THE MOBILE VIDEO SYSTEM

The MVS is designed to activate either automatically or manually by the operator.

- (a) The system is automatically activated when the emergency lights are turned on (position two and three), or when the crash sensor is activated. The system may also be activated by touching a record button or by activating the wireless microphone.
- (b) The system is also activated when a vehicle's speed meets or exceeds 90 miles per hour. If the MVS system activates due to speed, the officer must not turn off the system until the vehicle is traveling slower than 90 miles per hour, can be done so safely, and no designated contact exists.

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- (c) Recording is mandatory when driving with emergency lighting equipment activated (Code-3).
- (d) Personnel shall activate the audio recording capability (wireless remote microphone) when incidents occur outside the view of the camera. Such applications may include recording conversations during domestic disputes occurring inside a residence or recording statements made by any involved party.
- (e) Because there are limitations on the effective range of the wireless remote microphone, affected personnel shall use the DAR in place of the MVS wireless remote microphone when away from the police vehicle. The effective range of the wireless remote microphone will vary according to existing conditions; however the department recognizes that the remote microphone is unreliable when officers are inside buildings or other places where distance or obstacles can affect signal transmission. Personnel shall, therefore, use the DAR when recording is necessary inside structures or when not in the immediate presence of the police vehicle. Personnel shall also use the DAR when the MVS wireless remote microphone's "out-of-range" audible warning tone is heard.
- (f) If an officer turns off his/her remote transmitter during a shift, he/she must resynchronize the remote transmitter by momentarily placing it into the cradle/charger before returning to service.
- (g) Whenever an incident is recorded by the MVS and a Department Record (DR) number is issued for that incident, the fact that the incident was recorded shall be noted in the narrative section of the report.

437.9 DIGITAL AUDIO AND AUDIO/VIDEO SYSTEM INTEGRITY

All data and recordings created using these systems shall be processed, stored and disseminated in accordance with the Release of Records and Information policy and the provisions below:

- (a) All recordings shall be kept in accordance with the City records retention schedule unless a specific request is made to store them for a longer period. If any member of the department determines that an audio/video recording should be kept beyond the city records retention schedule period, it shall be flagged accordingly by filling out the appropriate form. The reason for the hold shall be listed on the form. Only the officer requesting the hold, or in the case of evidence, the investigator handling the case, or the Chief of Police (or his/her designee), may release the hold and clear the memory for recycling. The person placing the original hold shall be notified prior to the destruction of the record.
- (b) All recordings shall be maintained in a secure file on the department network with limited and restricted access only to authorized personnel.
- (c) If a member of the department requests a copy of a recorded incident for court purposes, the request shall be made via email to the Custodian of Recorded Events. If needed for court, the request should be made at least seven court days in advance. The Custodian of Recorded Events shall determine if the request to obtain a copy of the digital recording is permitted by policy.

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- (d) The Custodian of Recorded Events shall maintain a file of all requests for copies of audio/video recordings.
- (e) Under no circumstance shall a recorded event be provided to, in any manner, any person outside the department, or members of the judicial system, without an order from the court, or the expressed consent of the Chief of Police or his/her designee.
- (f) Under no circumstances shall department personnel make unauthorized copies of any digital recording medium.
- (g) Once a recording has been captured on the MVS or DAR, that segment shall not be manually erased. All events captured on the MVS or DAR shall be downloaded onto the designated server in accordance with this policy.
- (h) Department personnel are reminded that a log is created for each recorded digital video and an entry is made every time a video is viewed or copied. This log serves as a chain of evidence for the given video file.

Anytime an officer acquires a recording of a contact which the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and book the recording media into evidence. The officer shall further note in any related report that the recording has been placed into evidence. Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

437.10 PERSONNEL RESPONSIBILITIES SPECIFIC TO THE DAR

Each person assigned a department owned DAR is responsible for its care and maintenance. The DAR will be carried upon the person in a manner that will allow for easy operation without impairing the capabilities of the other equipment worn by the employee. Prior to going into service, each DAR user will check the equipment to ensure it is working properly.

If for any reason the DAR fails to operate correctly and/or an error is displayed, it is the assigned employee's responsibility to notify his/her field supervisor and to submit the DAR to the property division for repair. The employee will be issued a replacement during the repair period.

Each assigned employee shall download the contents of the recorder to the department server at the end of each shift. This download process may be accomplished at a police facility computer terminal or any police vehicle equipped with a laptop computer. The employee shall enter any DR number issued that is associated with a particular DAR recording into the appropriate dialog box during this downloading process.

If the recording was inadvertently left running and contains information unrelated to the incident, the employee shall add the start/stop times of all segments relating to the incident in the notes section of the DAR software program, and to the police report if a DR was issued.

Whenever an incident is recorded by a DAR and DR number is issued for that incident, the fact that the incident was recorded shall be noted by checking the box marked MVS/DAR on the face page of the report.

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437.11 REVIEW OF RECORDED MEDIA FILES

As a general rule, department personnel are able to review their own recorded events. Management may, on a case by case basis, restrict the ability to review recorded media to preserve the integrity of an investigation.

Events recorded in accordance with this policy shall not be used or shown for the purpose of employee ridicule or embarrassment.

Public Safety Video Surveillance System

438.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

438.2 POLICY

The Irvine Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

438.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

438.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound, with the exception of the custody cameras which also record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the watch commander's office and Communications Bureau. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The watch commander or trained Communications Bureau personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

438.3.2 CAMERA MARKINGS

Some public areas monitored by public safety surveillance equipment may be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

438.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, access control, and facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

438.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

438.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

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Public Safety Video Surveillance System

Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

438.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the City Attorney. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

438.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

438.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Irvine Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the watch commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

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438.7 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Automated License Plate Readers (ALPRs)

439.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

439.2 POLICY

The policy of the Irvine Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

439.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Irvine Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Division Commander. He/she will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

439.3.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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Automated License Plate Readers (ALPRs)

439.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

439.5 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

439.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Irvine Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

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Automated License Plate Readers (ALPRs)

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

439.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Support Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

439.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Emergency Utility Service

440.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

440.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Bureau.

440.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

440.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

IRWD maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding, IRWD and Public Works emergency standby staff should be contacted as soon as possible. Public Works maintains public drainage infrastructure including catch basins and larger drainage facilities. In the event of flooding, Public Works emergency standby staff should be contacted as soon as possible. Underpass and street drainage pumps are maintained by Community Services. In the event of flooding, Community Services emergency standby staff should be contacted as soon as possible.

440.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Bureau.

440.2 TRAFFIC SIGNAL MAINTENANCE

The Irvine Traffic Research and Control Center (ITRAC) services proprietary traffic control signals within the City of Irvine. If any city owned or managed traffic signals require maintenance, ITRAC personnel should be notified. After hours, Republic Electric is the on-call service provider for the City's signal control system. The City also contracts with other service providers to maintain traffic control signals that are not part of the City traffic system. Lists of both the accepted signals

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(maintained by the City) and those not accepted (maintained by other contractors) are available on the Department Intranet.

440.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Bureau of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.