

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Excessive Force - A level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by Section 7286 of the Government Code, or any other law or statute (Government Code § 7286(a)(2).)

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

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

Imminent – A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An "imminent" harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. (Penal Code § 835a(e)(2).)

Intercede - Includes, but is not limited to, physically stopping the excessive use of force, recording the excessive use of force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to de-escalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force, and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene (Government Code § 7286(a)(4).)

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Retaliation - Demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on or off duty (Government Code § 7286(a)(6).)

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

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

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. The authority to use physical force by SPPOs is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from the excessive use of force by SPPOs acting under the color of law. (Penal Code § 835a(a)(1).)

SPPOs are involved on a daily basis in numerous and varied interactions with the public and, when warranted, may use objectively reasonable force in carrying out their duties.

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

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

300.2.1 FAIR AND UNBIASED USE OF FORCE

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

300.2.2 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, where feasible, intercede to prevent the use of unreasonable force. (Government Code § 7286(b)(9))

When observing force used by another law enforcement officer, the observing officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)(9)).

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Any SPPO that fails to act pursuant to Government Code 7286(b)(9) and this policy shall be disciplined up to and including the same manner as the officer that committed the excessive force (Government Code § 7286(b)(19)).

Retaliation against an officer that reports a suspected violation of a law or regulation by another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation is prohibited (Government Code § 7286(b)(4).)

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

A SPPO who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. (Penal Code § 835a(b).) SPPOs shall use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. (Government Code § 7286(b)(2).)

Given that no policy can realistically predict every possible situation an officer might encounter, in determining the appropriate use of force for a particular incident, SPPOs are entrusted to use well-reasoned discretion, based on the perspective of an objectively reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the SPPO at the time, without the benefit of hindsight, and that the SPPO is forced to make quick judgments regarding the use of force. (Penal Code § 835a(a)(4).)

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

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a SPPO to retreat or be exposed to possible physical injury before applying objectively reasonable force. However, it should be noted that the requirement to not

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retreat does not mean that a SPPO is not required to perform tactical repositioning or other de-escalation tactics. (Penal Code § 835a(d).)

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

SPPOs shall utilize de-escalation techniques, crisis intervention tactics, and other alternative to force when feasible. (Government Code § 7286(b)(1).) As time and circumstances reasonably permit, and when community and officer safety would not be compromised, SPPOs shall consider actions that may increase officer safety and may decrease the need for using force:

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

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

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

300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

The decision by a SPPO to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by officers, in order to ensure that SPPOs use force consistent with law and Department policies. (Penal Code § 835a(a)(3).) The decision by a SPPO to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the SPPO at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when the SPPO may be forced to make quick, split second judgments about using force. (Penal Code § 835a(a)(4).) When determining whether to apply force and evaluating whether a SPPO has used objectively reasonable force, a number of

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factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)(18).) These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Officers of this Department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this Department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

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300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

Additionally, an officer should not use deadly force against a person whose actions are a threat solely to property.

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

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300.4.2 DISPLAYING OF FIREARMS

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

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

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a SPPO shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer shall articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. For the use of force, SPPOs shall complete the DPR 157 - Use of Force Report. Criteria for the submission of the DPR 157 and 157A will be set by the Law Enforcement and Emergency Services Division. (Government Code § 7286(b)(13.)) The individual DPR 157 will be approved for policy compliance by the Chief Ranger, or by LEESD Deputy Chief if the force was initiated by a Chief Ranger. The District Superintendent will sign for awareness and notification purposes, but not for policy compliance.

300.5.1 NOTIFICATION TO SUPERVISORS

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

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

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

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300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. (Government Code § 7286(b)(13).)

300.5.3 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

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300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.8 TRAINING

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

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.

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- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

300.9 USE OF FORCE COMPLAINTS

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

300.9.1 SUBSTANTIATED ABUSE OF FORCE COMPLAINTS

If an abuse of force complaint against an SPPO is substantiated, that SPPO is prohibited from training other officers for a period of at least three years from the date of substantiation (Government Code 7286(b)(18).)

300.10 POLICY REVIEW

The Deputy Director, Park Operations or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.11 POLICY AVAILABILITY

The Deputy Director, Park Operations or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.12 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7. Information on requesting records may be found on the Department's website (Government Code 7286(b)(7).)

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the California Department of Parks and Recreation to review the use of force by its employees.

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

302.1.1 USE OF DEADLY FORCE INVESTIGATION

The Department is charged with the important responsibility of objectively investigating and evaluating the use of deadly force. It is the policy of this department to investigate all incidents when the use of deadly force by an officer results in injury or death to a person.

The Chief of LEES Division is empowered to conduct an Administrative Investigation into the circumstances of an incident. The Chief may delegate investigative responsibilities to any supervisory or management State Park Peace Officers who has training or experience in Internal Affairs Investigation or investigation of Use of Deadly Force.

The Administrative Investigation will be conducted under the same procedures as a Department Internal Affairs Investigation.

The findings of the investigative team will make no recommendation of disciplinary action.

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment or on paid administrative leave, pending an administrative review. The Deputy Director, Park Operations may exercise discretion and choose not to place an employee in an administrative assignment in any case. An officer-involved shooting, or a use of force incident that results in death or very serious injury to another, shall result in the employee being placed on administrative leave that shall be not less than three weeks. Every effort will be made to return the employee to work after the three week period, pending information from the criminal investigation that gives strong indications that the employee will be cleared of charges. Prior to return to work, the SPPO will be evaluated for return to work, which shall include psychological evaluation, re-testing for all applicable training requirements, and de-escalation scenario training.

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302.4 REVIEW BOARD

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

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

The Deputy Director, Park Operations may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Deputy Director, Park Operations, will convene the Use of Force Review Board as necessary. It will be the responsibility of the Field Division Chief of the involved officer to notify the Chief, LEES Division, of any incidents requiring board review. The involved officer's District Superintendent or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons:

- Chief of LEES
- District Superintendent, not in the involved officer's chain of command, from a neighboring district or a district in the same division with similar law enforcement issues as the district where the use of deadly force took place
- SPPO designated by the Chief of LEES, one rank higher than involved SPPO

The Chief of LEES will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD

The Board shall make a finding and such finding will be limited to one of the following:

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

A finding will be the consensus of the Board. After the board has concluded, the board chair will submit written findings of the board to the Deputy Director, Park Operations. After review by the Deputy Director, Park Operations, a copy of the findings will be forwarded to the involved officer's Division Chief and Property and Evidence Section Superintendent for review and appropriate action, and to the Department Training Officer to address training needs and recommendations, when deemed appropriate. The Board will not recommend disciplinary action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Deputy Director, Park Operations, and the Chief, LEES Division.

Defensive Tactics Program

305.1 PURPOSE AND SCOPE

The Department's Defensive Tactics (Arrest and Control) Program is designed to teach skills in handcuffing, restraint holds, the use of the baton, self-defense, ground control, Tactical Communications, and arrest control. Further, the Department's Program for Defensive Tactics seeks to minimize incidents and/or allegations of improper use of force.

As used in this chapter and the Policy Manual, Defensive Tactics refers to Arrest and Control.

The following are Department policies for Defensive Tactics:

305.2 LEARNING SYSTEM FOR DEFENSIVE TACTICS

A. Components

The Department's approved Defensive Tactics Program is the Pacific Institute of Defensive Tactics (PIDT) System. The Department program includes the following components:

1. A DPR Defensive Tactics Instructor who:

- Has been selected according to guidelines in Defensive Tactics Instructor Handbook
- Has completed Department-approved training in Defensive Tactics Techniques, Ground Control Techniques (effective January 2017), Tactical Communications, and Baton Techniques
- Re-qualifies annually
- Acts as a resource person for Property and Evidence Section personnel
- Provides instruction
- Conducts qualifications for in-service officers
- Completes and provides District Superintendent with Defensive Tactics Annual Qualification (DPR 674)

2. The approved Defensive Tactics Program, meeting current standards set by the Commission on Peace Officers Standards and Training in Learning Domain 33.

3. Quarterly instruction, using the modular training system outlined in the Defensive Tactics Instructor Handbook, including ongoing evaluation and qualification of each officer.

B. Instructional Blocks

Each instructional block is described in the Defensive Tactics Instructor Handbook.

305.3 DEFENSIVE TACTICS QUALIFICATIONS

A. State Park Cadets

State Park Peace Officer Cadets will receive initial Defensive Tactics Training (Arrest and Control Learning Domain 33) which includes both written and practical tests to determine proficiency.

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All basic State Park Peace Officer Cadets must satisfactorily qualify in Defensive Tactics during that portion of the training program.

B. State Park Peace Officers

All State Park Peace Officers assigned to field positions and below the rank of State Park Superintendent I/Lifeguard Supervisor II are required to qualify in the DPR Defensive Tactics Program once per calendar year. Those in exempted positions may participate on an optional basis.

1. Training

- (a) Peace Officers shall attend established modules each calendar year, for a total of 6 modules (beginning January 2016)
 - 1. A minimum of 24 hours of instruction will be provided annually by a qualified Defensive Tactics Instructor
- (b) A suggested training schedule listing techniques to be covered and a suggested time frame for instruction may be found in the Defensive Tactics Instructor Handbook
- (c) Delivery of these training modules will be provided throughout the calendar year according to each Law Enforcement and Emergency Services Division's training schedule
- (d) Instructors will complete a roster on ETMS following the instruction of each training module (effective January 2016)
- (e) POST requires 4 hours of DT Training every 2 years; one of the training blocks will be a POST approved Perishable Skills class to meet this requirement; the instructor will enter the training in the Department's ETMS system and send copies of the POST roster, agenda, and Course Announcement to the Mott Training Center to be entered on the POST website

2. Qualifications

- (a) Qualifications in each module may occur throughout the calendar year and are not required to occur simultaneously
- (b) By January 15 of each year, a copy of the completed DPR 674 for each officer and a summary of the training hours and attendance for the prior year is to be sent to the District Superintendent
- (c) The original DPR 674 shall be maintained in each officer's personnel file, and is subject to audit by the Deputy Director, Park Operations, or designee
- (d) In the event of a transfer, this file shall be forwarded to the officer's new location
- (e) A copy of the DPR 674 should be given to the officer
- (f) The instructor may keep a copy of the DPR 674 and summaries for the current year and the previous two years for his/her instructional records

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C. Defensive Tactics Instructors

- (a) Training
 - (a) Must complete a Department approved instructor course (see Defensive Tactics Instructor Handbook)
 - (b) Must complete the Department's 40 hour refresher course or Department approved equivalent every 2 year
 - (c) Must complete the Department's 16 hour update every year, except the year they attend the refresher course
- (b) Qualifications
 - (a) Must qualify annually at the required 40 or 16 hour training

D. Defensive Tactics Staff Instructors

- (a) Training
 - (a) Must complete a Department approved instructor course (see Defensive Tactics Instructor Handbook)
 - (b) Must complete the Department's 40 hour refresher course or Department approved equivalent every year
- (b) Qualifications
 - 1. Must qualify annually at the required 40 hour refresher training

305.3.1 FAILURE TO QUALIFY

- (a) Remedial Training
 - 1. State Park Cadets
 - (a) Candidates who fail to pass a portion or portions of the training will be given one remediation in the portion(s) failed as specified during training instructions, before the completion of Basic Peace Officer Training. Failure will result in disqualification from the cadet program.
 - 2. State Park Peace Officers
 - (a) Peace Officers who are required to qualify and fail will be given remedial training and practice time, according to the following schedule
 - 1. Within 90 days of their failure to qualify; or, in the case of a permanent intermittent, before returning to patrol duty; the State Park Peace Officer will be given up to a maximum of 16 hours of training in the failed technique(s).
 - 2. Qualified DPR Defensive Tactics Instructors will provide the remedial training.
 - 3. The State Park Peace Officer will have the opportunity to qualify in the failed technique(s)
- (b) Review for Course of Action

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1. Should a State Park Peace Officer fail to qualify in Defensive Tactics by the end of the remedial period, the Law Enforcement and Emergency Services Division Superintendent, in conjunction with the Chief Ranger, shall:
 - (a) Within ten working days, arrange for review. The review will be performed by a team consisting of a State Park Superintendent (peace officer) State Officer, a supervisory level Defensive Tactics Instructor, and the Chief, LEES Division.
 - (b) Based upon the review, decide upon a course of action. If necessary request the Deputy Director, Park Operations to remove the peace officer authority from the employee.

Handcuffing and Restraints

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.3 USE OF RESTRAINTS

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

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

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

307.3.1 RESTRAINT OF DETAINEES

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

307.3.2 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

307.3.3 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be

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used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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

307.3.4 NOTIFICATIONS

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

307.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

307.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing

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or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

307.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

307.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

307.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

307.8 REQUIRED DOCUMENTATION

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

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

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

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

307.9 TRAINING

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

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

Control Devices and Techniques

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

309.4 RESPONSIBILITIES

309.4.1 CHIEF EXECUTIVE LAW ENFORCEMENT RESPONSIBILITIES

The Chief Executive Law Enforcement Officer may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

309.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

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

Every control device will be periodically inspected by the Firearms Instructor or the designated instructor, inspector, or armorer, for a particular control device. The inspection shall be documented.

309.4.3 USER RESPONSIBILITIES

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

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

309.5 BATON GUIDELINES

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

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

309.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Property and Evidence Section Superintendent may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

309.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

309.7.1 OC SPRAY

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

309.7.2 PEPPER PROJECTILE SYSTEMS

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

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not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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

309.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

309.8 POST-APPLICATION NOTICE

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

309.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

309.9.1 DEPLOYMENT AND USE

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

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

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

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- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

309.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

309.9.3 SAFETY PROCEDURES

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

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

309.10 TRAINING FOR CONTROL DEVICES

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

309.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

310.1 PURPOSE AND SCOPE

The purpose of this section is to articulate the policy, equipment, training, and reporting requirements for the use of Conducted Energy Devices (CED) within the Department.

CED offer State Park Peace Officers (SPPO; singular or plural as the context requires) an additional force option to safely and effectively control subjects who are combative or resisting arrest. Use of a CED is an effective means of ensuring compliance that is less likely to cause injury to officers, suspects, and innocent bystanders. The CED works by causing intense but momentary pain and by causing neuromuscular incapacitation. (The CED may cause collateral injury including, but not limited to, falls from height, falls onto hard surfaces, proximity to water, or being in control of a vehicle, vessel, equipment, or machinery.)

310.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

310.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

310.4 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

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310.4.1 APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

310.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

310.4.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

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310.4.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

310.4.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including AFIDS, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

310.4.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

310.4.7 OFF-DUTY CONSIDERATIONS

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

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

310.4.8 ANIMALS

The CED may be used on animals if the animal poses a threat to SPPO, other persons, or other animals; and, other attempts at restraint or capture were considered, attempted, or not feasible.

310.5 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime/incident reports. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional field discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will be documented on the offense incident report. Data downloads from the CED after use on a subject should be

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done as soon as practicable using a department-approved process to preserve the data. An unintentional discharge out of the field (e.g., during spark test) shall be documented on a memo to the supervisor.

310.5.1 PROBE REMOVAL

Absent extenuating or exigent circumstances SPPO may remove CED probes consistent with Department EMS protocol and training or may request other qualified medical personnel to remove the probes.

If the subject remains combative after being taken into custody and the SPPO is in fear of injury, or the probes are in a sensitive area such as the eye, groin, or female breast, probe removal and medical treatment may be delayed until the subject is transported to a medical facility.

310.5.2 REPORTS

The officer should include the following in the offense incident/arrest report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

310.5.3 MEDICAL TREATMENT REQUIRED

Each individual who has been subjected to the electrical discharge of the CED, referred to as "load," shall receive medical treatment prior to booking, by qualified medical personnel, as soon as feasible. In all other situations, the SPPO should consider medical treatment based on the subject's objective signs and symptoms.

310.5.4 NOTICE TO BOOKING AND MEDICAL PERSONNEL

The transporting SPPO shall inform any person receiving custody or providing medical care to subject, that the subject has been subjected to the use of a CED.

310.6 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

310.6.1 CED DATA

Within 72 hours of a CED use, a CED Instructor or SPPO-Supervisor shall download the onboard CED memory, print a copy of the data, and attach both to the related reports, consistent with report writing and chain of custody guidelines.

310.6.2 RELATED DATA

Photographs that should be taken as soon as practicable:

- Probe contact sites with probes in place
- Probe contact sites after probes removed
- CED cartridge depicting the serial number
- The area where the Anti-Felon Identification (AFID) tags

CED wires should be loosely packaged, making every effort to keep intact the factory kinks and curls in the wires.

Expendable cartridge with probes should be placed in a paper bag and booked into evidence. Probes should be inserted into the spent cartridge consistent with Axon training protocols, typically barb-first into the cartridge wire spool bays.

310.6.3 QUARTERLY DATA DOWNLOAD

The data on each CED shall be downloaded quarterly. The CED data shall be downloaded by Department instructors and maintained in instructor files for a period of 2 years. Superintendent or other classifications who do not typically carry the Taser daily may have downloads performed less frequently, but not less than annually. Firmware updates should still occur more regularly, and not less than every six months.

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310.7 TRAINING

310.7.1 INITIAL AND ONGOING TRAINING

Initial and ongoing training will be provided based on the guidance from TASER (Axon).

310.7.2 ONGOING TRAINING

The Training Section shall administer, test for competency, and update a CED user course that has been developed by TASER (Axon). The annual course shall be 8 hours, and will include:

- (a) CED nomenclature
- (b) CED safe handling skills
- (c) CED functional skills
- (d) CED target areas
- (e) Manufacturer warnings
- (f) Legal and ethical considerations
- (g) Medical considerations
- (h) Pre contact threat assessment
- (i) Use considerations
- (j) Cross over issues and tactics with DT, Firearms, and EMS
- (k) Data collection and reporting requirements
- (l) Review of this policy
- (m) Equipment

310.7.3 CED INSTRUCTORS

The Training Section shall recruit CED instructors from one of the following candidate pools:

- (a) Firearms Instructor;
- (b) Defensive Tactics Instructor;
- (c) Emergency Medical Instructor;
- (d) Training Section SPPO;
- (e) SPPO who has earned a POST AICC certificate; or,
- (f) SPPO who has attended the DPR 2-Day new instructor course

Instructors shall attend a TASER (Axon) certified CED instructor course or department authorized CED Instructor course as required.

310.7.4 CED TECHNICIANS

The Training Section shall recruit CED technicians from one of the following candidate pools:

- (a) CED instructor
- (b) District Public Safety Superintendent

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- (c) LEES Law Enforcement personnel
- (d) OHV Division Office Public Safety and Enforcement Superintendent
- (e) Training Section SPPO
- (f) SPPO-Supervisor

310.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or CED instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

310.8.1 CED SPECIFICATIONS

The authorized Department CED is:

- Manufacturer: TASER™
- Model: X26P
- Finish: Yellow
- Grips: Yellow
- Performance Power Magazine (PPM) or XPPM or similar from Axon and approved by LEESD
- Accessory: None approved

310.8.2 OPTIONAL CED SPECIFICATION

The Chief of LEESD may authorize the following CED for special assignments when the yellow frame may cause a tactical disadvantage to a SPPO:

- Manufacturer: TASER™
- Model: X26P
- Finish: Black
- Grips: Black
- Power Magazine: Performance Power Magazine (PPM) or XPPM or similar from Axon and approved by LEESD
- Accessory: None approved

Such authorization shall be in writing and specify the length of use, nature of the special assignment, and tactical concerns. This section shall not be interpreted as authorizing a black frame for routine use.

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310.8.3 CED CARTRIDGES

The authorized Department cartridge for use is the:

- Manufacturer: TASER™
- Model: 25 feet with XP probes
- Finish: Green
- Accessory: None approved

Whenever practical, a SPPO should carry one or more additional CED cartridges on their person at all times when carrying a CED.

Instructors may use other cartridges for training or demonstrations. The preceding sentence shall not be interpreted as authorizing other cartridges routine use.

Districts shall develop a procedure to inventory, track, and audit cartridges.

310.8.4 CED HOLSTERS

The authorized Department issued CED duty holster is the:

- Manufacturer: Blackhawk™
- Model: Serpa™
- Finish: Black basket weave or black tactical
- Accessory: None approved

310.8.5 OPTIONAL HOLSTER

The Chief of LEES may authorize an optional belt holster and optional belt holster accessories for the POPE or low profile use, as long as it otherwise meets the holster policy.

310.8.6 WEARING OF THE HOLSTER

The SPPO shall wear the holster on the support side only (no cross-draw).

310.8.7 USE OF THE HOLSTER

The SPPO shall draw and use the CED with the support (forward) hand.

310.8.8 CED INSPECTION AND CLEANING

No SPPO shall use a CED unless it has been inspected consistent with the manufacturer's specifications and is in proper working order. CEDs shall be cleaned, as directed by Instructors, per manufacturer protocols.

310.8.9 USE OF FORCE EQUIPMENT

Unless specifically authorized to do so by other law enforcement policy, a SPPO who is required to carry a CED shall carry other force options, including, but not limited to chemical agent and baton.

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310.9 TRAINING

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate by the supervisor or appropriate CED Instructor. All training and proficiency for CEDs will be documented in the officer's training files.

The Chief Ranger is responsible for ensuring that all District SPPOs have received initial and annual proficiency training. Periodic audits should be used for verification. This may be delegated to a lead CED Instructor in the District.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

CED Instructors should include the following training, and should also consult the latest training materials from Axon:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing support-hand draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

310.9.1 CASE LAW

This policy is based upon the following case law:

Graham v. Connor, 490 U.S. 386, 395

Bryan v. MacPherson, 630 F.3d 805 (November 30, 2010).

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311.1 PURPOSE AND SCOPE

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

In other incidents not covered by this policy, the Deputy Director, Park Operations may decide that the investigation will follow the process provided in this policy.

311.2 POLICY

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

311.3 TYPES OF INVESTIGATIONS

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

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

311.4 CONTROL OF INVESTIGATIONS

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

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

311.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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311.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Deputy Director, Park Operations or the authorized designee for approval.

311.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

311.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation of	Administrative Investigation
DPR Officer in This Jurisdiction	DPR Investigators	District Office	Attorney's LEES Division Chief	DPR Internal Affairs Unit
Allied Agency's Officer in This Jurisdiction	DPR Investigators	District Office	Attorney's Involved Department	Officer's Involved Department
DPR Officer in Another Jurisdiction	Agency where incident occurred	Decision by agency where incident occurred	LEES Division Chief where	DPR Internal Affairs Unit

311.5 INVESTIGATION PROCESS

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

311.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

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311.5.2 SHIFT SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief Ranger or designee.

311.5.3 NOTIFICATIONS

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

- LEES Chief
- Deputy Director, Park Operations
- Field Division Chiefs
- District Superintendent
- District Attorney OIS rollout team
- Internal Affairs Unit supervisor
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Shift Supervisor.

311.5.4 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the station, the Shift Supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives.

The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

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2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Investigators shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

311.5.5 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Shift Supervisor should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

311.6 CRIMINAL INVESTIGATION

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

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

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

- (a) DPR supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of DPR officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity

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of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

311.6.1 REPORTS BY INVOLVED DPR OFFICERS

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

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

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

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

311.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

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of identification, officers should attempt to identify the witness prior to his/her departure.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

311.6.3 INVESTIGATIVE PERSONNEL

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

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Chief Ranger for approval. Chief Ranger will brief District Superintendent on the investigation. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Chief.

311.7 ADMINISTRATIVE INVESTIGATION

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

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

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

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officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

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

311.8 CIVIL LIABILITY RESPONSE

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

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

311.9 DEBRIEFING

Following an officer-involved shooting or death, the California Department of Parks and Recreation should conduct both a critical incident/stress debriefing and a tactical debriefing.

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311.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur 48-72 hours after the incident. The Chief Ranger, in coordination with the Department Peer Support Program Coordinator, is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian personnel). The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

311.9.2 TACTICAL DEBRIEFING

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

311.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Chief Ranger, District Superintendent, Division Chief, LEES Division Chief, and Public Information Officer in the event of inquiries from the media.

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

Peace Officer Protective Equipment (POPE)

312.1 PURPOSE AND SCOPE

Under the authority of the Public Resources Code §§ 5003 and 5008 all employees, including State Park Peace Officers, are prohibited from the carrying and use of firearms and other protective equipment except in accordance with Departmental regulations. Appointments such as special deputies, reserve wardens, special police, or similar appointments, or permits to carry weapons shall not be used by any employee as a justification to carry "law enforcement equipment," including firearms, while on duty.

Only State Park Peace Officers who have completed the prescribed Peace Officer Training are authorized to carry POPE. When POPE is carried or worn, it shall only be the equipment issued and/or authorized by the Department.

Refer to Policy Manual §312 for approved firearms, specifications, and accessories.

The primary purpose for which peace officers are authorized to carry and use POPE is to provide protection to themselves and/or other persons.

312.1.1 FULL-SIZED PISTOL SUPPORT EQUIPMENT

All primary duty leather/nylon/composite equipment shall be black basketweave unless otherwise specified.

Hidden or velcro hardware is preferable. Snaps, buckles, and other visible hardware shall be chrome or black.

1. Duty Holster for the full-sized Pistol shall be Safariland:

- Model 6360RDS-2222-481 RH Mid-Ride Black STX Basketweave with light and optic
- Model 6360RDS-2222-482 LH Mid-Ride Black STX Basketweave with light and optic
- Model 6365RDS-2222-481 RH Low-Ride Black STX Basketweave with light and optic
- Model 6365RDS-2222-482 LH Low-Ride Black STX Basketweave with light and optic

Or for use with nylon duty belt:

- Model 6360RDS-2222-411/131 RH Mid-Ride Black STX Plain/Tactical with light and optic
- Model 6360RDS-2222-412/132 LH Mid-Ride Black STX Plain/Tactical with light and optic
- Model 6365RDS-2222-411/131 RH Low-Ride Black STX Plain/Tactical with light and optic
- Model 6365RDS-2222-412/132 LH Low-Ride Black STX Plain/Tactical with light and optic

The hood guard of the 6360 or 6365 holster may be removed at the officer's discretion. The optic hood shall not be removed.

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Additional holster models or modifications are subject to approval by the Chief of the LEES Division.

2. Belt and Buckle

- Duty Belt standard 2-1/4 inch width belt, black basketweave
- Duty Belt standard buckle (chrome) or plain black fastener
- Nylon Duty Belt may be worn at the direction of the District Superintendent

3. Ammunition Holder

- Bianchi Model 77 Double Magazine Pouch or equivalent
- Two (2) Factory-approved Law Enforcement Only, 17-round magazines

312.1.2 LOW PROFILE FULL-SIZED PISTOL SUPPORT EQUIPMENT

All Low Profile duty leather/nylon/composite equipment shall be black basketweave unless otherwise specified.

Hidden or Velcro hardware is preferable. Snaps, buckles, or other visible hardware shall be chrome or black.

Low Profile Holster for the Full-Sized Pistol shall be Safariland:

- 6378RDS-2222-411 RH Concealment Holster in Black STX Plain Finish
- 6378RDS-2222-412 LH Concealment Holster in Black STX Plain Finish
- 6378RDS-2222-132 LH Concealment Holster in Black STX Tactical Finish
- 6378RDS-2222-131 RH Concealment Holster in Black STX Tactical Finish

The optic hood shall not be removed.

Belt and Buckle

- When the Full-Sized Pistol is worn Low Profile with the State Park Peace Officer uniform, the belt and buckle shall comply with the Uniform Handbook guidelines
- When the Full-Sized Pistol is worn Low Profile with plain clothes or business attire, the belt shall be black or brown, 1-1/2 to 1-3/4 inches wide, with a plain brass, black or chrome buckle

Ammunition Holder

- Safariland 573 Concealment Magazine/Handcuff holder in black STX Tactical or Plain Finish
 - 573-83-21 RH
 - 573-83-22 LH
- One (1) factory-approved Law Enforcement Only 17-round full-size magazine
- Standard handcuffs in chrome or black

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312.1.3 COMPACT PISTOL SUPPORT EQUIPMENT

All compact leather/nylon/composite equipment shall be black basketweave unless otherwise specified.

Hidden or velcro hardware is preferable. Snaps, buckles, and other visible hardware shall be chrome or black.

1. Low Profile Holster for the Compact Pistol shall be Safariland:

- 6378-222-411 RH Concealment Holster in Black STX Plain Finish
- 6378-222-412 LH Concealment Holster in Black STX Plain Finish
- 6378-222-132 LH Concealment Holster in Black STX Tactical Finish
- 6378-222-131 RH Concealment Holster in Black STX Tactical Finish

2. Belt and Buckle

When Compact Pistol is worn with the State Park Peace Officer uniform, the belt shall comply with the Uniform Handbook guidelines

When the Compact Pistol is worn in plain clothes or business attire, the belt shall be black or brown, 1-1/2 or 1-3/4 inches wide, black or brown, with a standard brass, black or chrome buckle

3. Ammunition Holder

Safariland 573-Concealment Magazine/Handcuff holder in black STX Tactical or Plain Finish

One (1) Factory-approved Law Enforcement Only, 17-round full-size magazine with or without magazine sleeve.

4. Undercover/flying armed carry

SPPOs may be authorized by LEESD to carry the Compact Pistol (313.2.1) in the Desantis "Sof Tuck" holster when assigned to undercover (UC) operations, undercover training, or while flying armed on official state business, pursuant to Policy Sections 312.1.4 and 313.10. While carrying the Compact Duty Pistol in the Desantis "Sof Tuck" holster, the pistol shall be concealed at all times unless needed for an emergent law enforcement situation where the use or display of the firearm would be reasonable. As soon as practical, the officer should transition back to the low profile duty holster.

312.1.4 OTHER POPE

All duty leather/nylon/composite equipment shall be black basketweave unless otherwise specified.

Hidden or velcro hardware is preferable. Snaps, buckles, and other visible hardware shall be chrome or black.

1. Chemical Agent / Chemical Agent Holder

- Canister of Oleoresin Capsicum (OC)

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- Holder appropriate to the size of the issued canister, with or without closure flap

2. Handcuffs / Handcuff Case

- Stainless steel, nickel, or black finish standard handcuffs
- Handcuff Case: Tex Shoemaker Model 205 or 204 (double or single case) or equivalent
- Flex-cuffs may be carried as needed, but are not a general purpose substitute for handcuffs

3. Baton / Baton Accessories

- Plain black wooden or composite straight baton
- Collapsible ASP, Peacekeeper, or similar collapsible baton, black
- Baton holder appropriate to the baton

4. Other Accessories

- Key ring holder
- Keeper straps
- Portable radio holder
- Flashlight holder
- Folding knife or tool holder

Chief Rangers may authorize alternate Peace Officer Protective Equipment for use under special circumstances. This authorization should be for a specified period of time while the State Park Peace Officer is performing specific duties that require the modification. Blanket exceptions shall not be authorized. Items that are deemed unserviceable will be replaced.

312.2 POPE STORAGE AND TRANSPORT

Issued and/or authorized POPE shall normally be brought to and from work by the State Park Peace Officers appointed under Penal Code § 830.2.

When at work and POPE is not worn, or under the direct control of the officer, it shall be secured in a Park Unit, Property and Evidence Section, or Headquarters Office gun safe, or in a locked container in a vehicle. When the container with the equipment is left in an unattended vehicle, the container shall be secured as inconspicuously as possible and the vehicle locked. Leaving POPE in an unattended vehicle should be avoided whenever possible.

State Park Peace Officers may elect to store their duty weapons in secure Property and Evidence Section/Sector storage when the State Park Peace Officer will not be wearing POPE for an extended period of time (i.e., vacation, temporary assignment other than law enforcement, etc.)

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312.2.1 FIREARMS STORAGE AT DEPARTMENT TRAINING FACILITY

While attending training at the Mott Training Center, or any other Department-owned or operated facility, all duty and personal firearms will be secured in the training facility safe, in the safe provided in the employee's lodgings, or secured in a vehicle. Firearms are not permitted to be unattended in the residence buildings, unless secured in a room safe or other secure storage provision authorized by the Training Center Management.

312.3 WEARING OF POPE

Except as authorized below, full peace officer protective equipment (POPE) shall be worn at all times when the State Park Peace Officer is in uniform and on duty. The baton shall either be carried by the officer or be immediately available for use (i.e., mounted in a vehicle).

A. Department policy intends that, as a general rule, the complete POPE shall be worn when on duty. However, the Property and Evidence Section Superintendent may authorize a State Park Peace Officer in uniform to wear less than the complete POPE under special circumstances for a specific period. Special circumstances are assignments that are not normal patrol duties and may include such activities as undercover work, multi-agency task forces, aircraft operations, ski patrols, search and rescue, etc. Permission to wear less than full POPE will not be granted for normal duty assignments, particularly where the State Park Peace Officer is the primary response or back-up officer.

B. When any part of POPE is worn, the fully loaded duty pistol, magazine, handcuffs, and State Park Peace Officer badge shall be worn.

EXCEPTIONS: With the Chief Ranger's authorization, State Park Peace Officers may elect to remove their POPE when:

- (a) Assigned to office duty and not a primary response/back-up officer.
- (b) Participating in training, other than at a Department Training Center.
- (c) Performing special assignments whereby wearing of POPE could prove hazardous. (i.e., search and rescue, etc.)
- (d) When attending formal public presentations, awards ceremonies, or memorial services and not assigned law enforcement duties.
- (e) Working outside their primary response area and not assigned to a patrol function. Officers who are in a patrol unit outside of their primary response area should advise on-duty staff of their status and whether or not they are armed.
- (f) In a correctional facility pursuant to facility policies.

NOTE: The above procedures and guidelines are not a substitute for good judgment and common sense. At all times, the highest objective is service to the public, protection of park visitors, and park resources.

C. When in an authorized emergency enforcement vehicle, not marked as "out of service", while in or out of uniform, all peace officers will have their badge, ID Card, department-approved pistol,

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magazine, and handcuffs readily available. This policy does not apply when using vehicles in scenarios at a Department Training Center or other training in a secure environment.

D. POPE will be worn when in a training status at a Department Training Center in accordance with the instructions of the director of the Training Center.

312.4 PORTABLE RADIOS FOR STATE PARK PEACE OFFICERS

Each State Park Peace Officer will be issued an individual public safety portable radio, and two portable radio batteries and a charger/analyzer. All permanent transfers of portable radios will be documented in ArmorerLink.

312.5 ISSUANCE, ASSIGNMENT, OR RETURN OF POPE

The following are Department policies for the issuance, assignment and return of Peace Officer Protective Equipment (POPE).

312.5.1 ISSUANCE OF POPE

The Deputy Director, Park Operations has authorized the issuance of POPE to individual State Park Peace Officers who have satisfactorily completed the prescribed Basic Peace Officer Training. This equipment will be issued during the Basic Peace Officer Training, and after graduation will become permanently assigned to the newly appointed peace officer. All assignments or returns of POPE will be documented in ArmorerLink. The initial assignment of POPE will be the responsibility of the Training Center.

Any used firearm to be re-issued to another State Park Peace Officer will be inspected, tested for serviceability and completely refurbished (as necessary) by a Department Armorer, or an inspector designated by a Department Armorer, and returned to the Department Armory.

All other components of POPE will be completely inspected and tested by the Property and Evidence Section Defensive Tactics Instructor or Firearms Instructors/Inspectors for serviceability and conformance with Department standards. Any unserviceable item will be replaced or repaired prior to re-issue of the equipment by the Property and Evidence Sections.

The Property and Evidence Section shall maintain a small supply of turned-in POPE gear sufficient to meet the Property and Evidence Section's replacement needs.

312.5.2 ASSIGNMENT OF POPE

The following procedures will be used to assign, return, or replace all peace officer protective equipment (POPE). The transfer of a State Park Peace Officer from one location to another shall be noted in ArmorerLink.

Districts shall retain unassigned POPE. ArmorerLink shall be used to document a temporary transfer or loan of a firearm, other than for routine annual inspections.

- (a) For new State Park Peace Officers, the Training Center documents the issuance of all initial equipment and weapons in ArmorerLink.

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- (b) LEES will report all weapon transfers, to or from the Department, to the Department of Justice.

312.5.3 PERMANENT RETURN OF POPE

Peace officer protective equipment shall be permanently returned upon:

1. An employee's separation from the Department for any reason. The employee's final compensation will be withheld until the Chief Ranger receives the badge, peace officer identification card, and POPE.
2. The employee's transfer or promotion to non-peace officer status. Disciplinary action may be taken if the badge, peace officer identification card, and peace officer protective equipment are not returned to the Chief Ranger at the close of the employee's last working day in peace officer status.

RESPONSIBILITY ACTION

Chief Ranger or Designee

- (a) Ensures the Full-Sized Pistol and/or the Compact Pistol are inspected and repaired by the Property and Evidence Section Armorer;
- (b) Documents all changes in ArmorerLink listing the Department Armory as the new location of the firearm(s), Department Telecommunications Unit as the new location for the portable radio, and Property and Evidence Section supplies for the remainder of the POPE, and distributes the copies per instructions on the form.
 1. The Full-Sized Weapon and the Compact Weapon must be returned to the Armory Manager for redeployment, they may not be kept as Property and Evidence Section pool weapons
 - (a) If a current District pool weapon is new, it shall be forwarded to the Law Enforcement and Emergency Services Division, and the previously issued (used) duty pistol shall be retained as a District pool weapon
 2. The portable radio must be returned to the Department Telecommunications Unit for redeployment, it may not be retained as a Property and Evidence Section pool radio
- (c) Notes the changes in ArmorerLink and sends the weapon(s) and the portable radio to the Law Enforcement and Emergency Services Division. The Department-issue badge and ID card are also forwarded to the Law Enforcement and Emergency Services Division.

NOTE: When shipping firearms:

- (a) Be sure weapons are unloaded.
- (b) Follow the shipper's guidelines for shipping weapons
- (c) Notify the recipient to expect delivery of the firearm(s)
- (d) Complete the "Acknowledgment of Delivery" card on both sides and attach to package.

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LEES Division receives the weapon and verifies ArmorerLink has been updated. LEES will enter the transfer into the weapons database if a current District pool weapon is new, it shall be forwarded to the Law Enforcement and Emergency Services Division, and the previously issued (used) duty pistol shall be retained as a District pool weapon.

312.5.4 TEMPORARY RETURN OF POPE

An employee who for more than a 30-day period is not on pay status shall, if requested by the Chief Ranger, turn in the assigned POPE to the Chief Ranger. The Chief Ranger shall store and retain the items for safekeeping pending the employee's return to duty, or in the case of an intermittent employee, return for seasonal assignment.

An employee, while on leave, vacation, extended absence for training, etc., may turn in the assigned POPE to the Chief Ranger for safekeeping.

312.6 LOST OR STOLEN DEPARTMENT-ISSUED WEAPONS

The employee that had custody of the weapon will complete a Public Safety Report and documentation in ArmorerLink. In addition to the normal distribution, copies of this report are to be forwarded to the LEES Division for entry into Department of Justice Automated Firearms System (DOJ/AFS).

- The officer shall notify local law enforcement to make a report if not lost or stolen on State Park property.
- The officer shall notify the Department Communication Center serving his/her district
- A Supervising State Park Peace Officer shall report the lost or stolen weapon to the Joint Regional Intelligence Center (JRIC)

The Chief Ranger may obtain a replacement weapon by contacting LEES and requesting a re-issue.

312.7 INSPECTION AND CARE OF POPE

It is the individual State Park Peace Officer's responsibility to maintain authorized and/or issued equipment in satisfactory condition at all times. Leather gear shall be maintained in a clean and well polished condition.

Chief Rangers will ensure that the individual's equipment is maintained in a satisfactory condition by ensuring that the required annual inspections and periodic unscheduled equipment checks are conducted. The results of the inspections will be recorded on the Peace Officer Protective Equipment Inspection Record, DPR 153A which will be kept on file in the Law Enforcement and Emergency Services Division/Sector Office. When a State Park Peace Officer is transferred, the inspection record(s) and qualification record(s) will be forwarded by mail to the new Law Enforcement and Emergency Services Division.

312.7.1 ANNUAL POPE INSPECTION PROCEDURES

Annually, the Law Enforcement and Emergency Services Division Firearms Inspector shall conduct firearms inspections. The results are to be recorded on the Peace Officer Protective

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Equipment Inspection Record, DPR 153A. Inspections are to be conducted in accordance with the Department *Firearms Instructor/Inspectors Handbook*.

312.7.2 DEPARTMENT ARMORERS AND INSPECTORS

A. Training and Certification

Department Armorers will be trained by the manufacturer to meet Department and manufacturer specifications in inspecting and repairing all types of weapons authorized by the Department - including shotguns, pistols and rifles. Department approved Armorers shall attend continuing professional training as required, or recommended, by the manufacturers.

Department Armorers shall train Department Inspectors in accordance with the Firearms Inspector Handbook.

All Armorers/Inspectors shall possess any necessary certificates and stay current in their ability to perform inspections (technical or specifications), or repairs, on Department weapons.

B. Responsibilities

It shall be the responsibility of each Armorer/Inspector to perform inspections and repairs in a timely manner following the Department's recommendations, procedures, and specifications. The Armorers/Inspectors shall not make repairs that exceed their training. Armorers and Inspectors shall:

- (a) Keep common replacement parts in stock
- (b) Get approval of an Armorer before using parts from one weapon to repair another
- (c) Maintain records of inspections and repairs.
- (d) Report unsafe practices or equipment through the chain of command

Only Armorers/Inspectors authorized by the Department, and trained, will work on Department weapons.

C. Inspections/Repairs Outside the Department

On an "as needed" basis, the Department may authorize qualified personnel from other state and local law enforcement agencies to conduct inspections and repair weapons.

Additionally, qualified individuals representing the manufacturers of Department-owned weapons are authorized to inspect and repair weapons.

312.7.3 WEAPONS INSPECTIONS

All inspections and repairs should be completed in a timely manner and the work order completed with-in two weeks, unless the weapon requires a Department Armorer to make a repair.

- (a) All DPR-issued pistols, except weapons that are not fired, will be internally inspected, and cleaned every 12 months by a qualified Department Armorer or Firearms Inspector and must meet the specifications outlined on the S&W Semi-Auto Pistol Preventative Maintenance Inspection Checklist in ArmorerLink. (DPR 824A Inspection points are in ArmorerLink)

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- (b) All DPR-issued shotguns, except weapons that are not fired will be internally inspected and cleaned every 12 months by a qualified Department Armorer or Firearms Inspector and must meet the specifications outlined on the Remington 870 Shotgun Preventative Maintenance Inspection Checklist in ArmorerLink. (DPR 824B Inspection points are in ArmorerLink)
- (c) All DPR-issued rifles, except weapons that are not fired will be internally inspected and cleaned every 12 months by a qualified Department Armorer or Firearms Inspector and must meet the specifications outlined on the Colt AR-15 Rifle Preventative Maintenance Inspection Checklist in ArmorerLink. (DPR 824C Inspection points are in ArmorerLink)

312.7.4 INSPECTION RECORD KEEPING

Annual duty firearm inspections will be documented in accordance with the Firearms Inspector Handbook.

All other POPE inspections will be documented in accordance with the Firearms Instructor Handbook.

All Districts will maintain a minimum of current and previous two-years records and are subject to audits by the Deputy Director, Park Operations, or designee.

Each Chief Ranger or designee will certify, by memorandum to the Chief Armorer, the Armory Manager, and the Chief of LEES Division, no later than the 10th of January that all inspections in his/her District have been completed and recorded, and all appropriate repairs have been made. Districts are subject to spot audits by the Chief of LEES Division or his/her designee.

312.8 FIREARMS MAINTENANCE

Firearms are to be cleaned and maintained in excellent condition in accordance with the instructions in the *Firearms Instructor Handbook* and the *Firearm Inspector's Handbook*.

312.9 REPAIR/REPLACEMENT OF POPE

In the event any item of POPE requires repair or replacement, the Chief Ranger is responsible for ensuring that the necessary corrections or replacements are made.

If the item must be sent out for repair, the Chief Ranger should arrange for a temporary replacement until the necessary repairs are completed. LEESD is responsible for establishing manufacturer-approved repair facilities for weapons not repairable by Department Armorers.

All corrections and repairs should be made as soon as practical.

312.10 FIREARMS SAFETY DURING TRAINING

The following safety measures will be used during firearm training. All persons participating in live range exercises must wear a hat, approved eye and ear protection, and approved soft body armor.

312.10.1 DRY-FIRING FUNCTIONAL WEAPONS

Dry firing of functional weapons will only occur under controlled conditions. Controlled conditions are defined as:

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- In the course of instructions, and
- On the range and in a safe direction as determined by the firearms instructor, or
- Off the range into a loading/unloading cylinder, or
- In the course of conducting a function test, or
- At the direction of a Firearms Instructor, Armorer, or Inspector

312.10.2 FIREARMS SAFETY DURING DEFENSIVE TACTICS TRAINING

Functional weapons are prohibited during defensive tactics training, including gun retention, and gun take away training. Such training will be accomplished only through the use of red handled weapons, or simulated training replicas.

Red handled weapons are defined as non-functional weapons. At a minimum, revolvers will have their firing pins removed and their cylinders filled so that it is impossible to load or fire a live round. Semi-automatics will have their firing pins removed and the barrel filled to prevent loading or firing of a live round. All red handled weapons will be painted a bright red so they will not to be confused with dark brown or mahogany gripped weapons.

312.10.3 NON-LETHAL TRAINING AMMUNITION AND REALITY BASED TRAINING

Non-Lethal Training Ammunition (NLTA) and Reality Based Training (RBT) are encouraged to be used by firearms instructors to create high fidelity training to prepare State Park Peace Officers for the variety of situations they may encounter in the field.

The NLTA or other RBT equipment must be produced by a reputable company and designed for law enforcement use (i.e. Simunition FX, UTM, StressVest, etc). The LEES Division holds the ultimate authority to approve appropriate NLTA and RBT equipment.

Any RBT using NLTA or other equipment designed to increase realism of a training scenario shall only be conducted by instructors who are currently certified in the use of the specific NLTA or other product.

312.10.4 FIREARMS SAFETY TRAINING AREA

When NLTA or RBT training is held, a training area of a suitable size determined by the carrying distance of the NLTA, as determined by the manufacturer, will be clearly identified. No fully-functional weapons or ammunition will be allowed inside this area. All functional weapons and ammunition will be placed in a locked container, such as the trunk of a nearby patrol car not being used in the training. One employee, other than the instructor, will be assigned to maintain the integrity of the training area. All functional weapons and NLTA or RBT weapons will be controlled and accounted for by this employee. No one will be allowed to enter the area with a functional weapon or ammunition or leave the area with a NLTA or RBT weapon in their duty belt.

Inside the training area a hot and cold zone will be established. All RBT will be held in the hot zone. NLTA weapons should only be loaded in the hot zone and all participants, role players, instructors, and evaluators in the hot zone shall be in appropriate PPE as recommended and required by the

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product manufacturer. The cold zone shall be protected from any stray NLTA rounds. Participants in the cold zone are not required to wear PPE. All NLTA weapons in the cold zone will be unloaded.

While in scenario, participants, role players, instructors, and evaluators will be clearly identified in an appropriate manner (i.e. safety vest, uniform, costume).

312.10.5 TRAINING FIREARMS ACQUISITION

All Districts will acquire sufficient dedicated NLTA or RBT weapons for training purposes. Department duty weapons shall not be temporarily converted to fire NLTA. All weapons that are permanently converted to fire NLTA must receive prior approval from LEES and be properly documented in ArmorerLink. Weapons and magazines permanently converted to fire NLTA shall be identified by blue markings in a conspicuous manner indicating the conversion and inability to fire lethal ammunition (i.e. blue slide, grip, magazine, butt plate, bolt, handguard, etc).

312.10.6 AIRSOFT

Airsoft weapons may be used for RBT under the direction of a Department Firearms Instructor. The minimum PPE required shall be eye protection and a billed cap. Long pants, long sleeves, and gloves are recommended. All other RBT safety requirements shall be followed including establishment of a firearms safety training area and appropriate marking of airsoft training firearms.

Firearms

313.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Deputy Director, Park Operations or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

313.1.1 DEPLOYMENT

Based on the safety of the public and State Park Peace Officers, and on homeland security issues particular to the district or operational area, the Chief Ranger may require State Park Peace Officers assigned to the district to carry the approved shotgun and/or rifle.

313.2 AUTHORIZED WEAPONS

Except in an emergency or as directed by a supervisor, no firearm shall be carried by a SPPO who has not qualified with that weapon at an authorized department range.

The Chief Armorer, at the direction of the LEES Division Chief, may, in addition to the department issued handgun, assign a department issued rifle and/or shotgun to the individual officer. The assignment of long guns shall be accompanied by an appropriate locking container for off-duty transport of long guns between work locations. The LEES Division Chief may authorize modifications to the specifications outlined below or authorize additional makes and models of firearms for use in special assignments.

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

313.2.1 DUTY PISTOL

The authorized Department-issued handgun is the Smith and Wesson M&P9 M2.0.

Primary Full-sized Pistol

- Manufacturer: Smith & Wesson
- Model and caliber: M&P9 M2.0, 9mm Luger (SKU13614).
- Barrel Length: 4.25 inches
- Action: Striker Fired
- Material: Zytel Polymer frame with stainless steel slide, barrel and structural parts
- Finish: Matte Black Armornite Finish
- Sights: Optic Height Tritium Night Sights
- Grips: 4 Interchangeable Palm Swells

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- Magazine: 17-round capacity
- Light: An approved weapon mounted light shall be mounted to the weapon when carried for field, duty use. Refer to memorandum on Weapon Accessories for approved makes and models.
- Accessory: Rail for tactical light, Optic Ready Slide

Compact Pistol

- Manufacturer: Smith & Wesson
- Model and caliber: M&P9 M2.0 Compact, 9mm Luger (SKU 13613)
- Barrel Length: 3.6 inches
- Action: Striker Fired
- Material: Polymer frame with stainless steel slide, barrel and structural parts
- Finish: Matte Black Armornite Finish
- Sights: Low profile Tritium Night Sights
- Grips: 4 Interchangeable Palm Swells
- Magazine: 15-round capacity
- Accessory: Rail for Tactical Light

The compact pistol may be assigned and authorized by the LEES Chief, Field Division Chief, or Chief Ranger for special assignments. (When carrying the compact duty pistol, the primary magazine may be the 15-round compact magazine or the full-size (17-round) M&P9 M2.0 magazine with the magazine sleeve. The back-up magazine will be the full-size (17-round) M&P9 M2.0 magazine with or without the magazine sleeve.) Manufacturer: Smith & Wesson

Authorized Accessory:

Refer to memorandum on Weapon Accessories from the Chief of the Law Enforcement and Emergency Services Division. Officers must receive training and successfully qualify with all approved accessories carried on duty.

Authorized Ammunition:

- 135-147 grain controlled expansion jacketed-hollow-point (JHP)
- DGS Contract Ammunition
- Any other ammunition must be authorized in writing by the District Superintendent with the approval of the LEES Chief (i.e. lead-free, frangible, etc)

Patrol-Ready Condition:

- Round in the chamber
- Magazine fully loaded with duty ammunition and locked into the magazine well

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313.2.2 AUTHORIZED SECONDARY SERVICE WEAPON

A secondary service weapon may be carried, however it may not be substituted for the primary service weapon. Officers desiring to carry a secondary service weapon are subject to the following restrictions:

- (a) The weapon shall be a handgun of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
- (b) Only one secondary service weapon may be carried at a time.
- (c) The purchase of the firearm shall be the responsibility of the officer.
- (d) The firearm shall be carried concealed and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The weapon shall be subject to inspection/function test by a supervisor, Department Firearms Instructor, Armorer, or Inspector, whenever deemed necessary.
- (f) Ammunition shall be legal in the State of California. The department may purchase and provide a reasonable amount of ammunition in the appropriate caliber for department training and qualification with the secondary service weapon.
- (g) Prior to carrying the secondary service weapon and at least once every six months, officers shall show proficiency in a course of fire for the type of weapon(s) that will be carried under the direction of a State Park Firearms Instructor, pursuant to PC 32000.
- (h) Personnel shall provide a completed DPR 755 Notification To Carry Second Weapon to the Firearms Instructor.
- (i) Since the use of personally owned secondary weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

313.2.3 SHOTGUN

A shotgun is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their assigned handgun or rifle. No personally owned shotguns may be carried for patrol unless pre-approved in writing by the Deputy Director, Park Operations.

- Manufacturer: Remington
- Model: 870P or 870P-MAX 12ga police shotgun
- Barrel Length: Eighteen inch minimum
- Action: Single action pump
- Choke: Fixed choke; improved cylinder or cylinder (No choke tubes)
- Material/Finish: Blue Steel, Parkerized, or nickel
- Sights: Ramped bead, rifle, or ghost ring (Night sights optional)
- Stock: Refer to the Weapons Accessory Memo for approved models

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- Recoil Pad: Remington Recoil Pad
- Magazine: Remington factory 2-shot extension (6-rounds)

Authorized Accessories

Refer to memorandum on Weapon Accessories from the Chief of the Law Enforcement and Emergency Services Division. Officers must receive training and successfully qualify with all approved accessories carried on duty

Ammunition

- 00 Buckshot (with 9 pellets) is the standard ammunition authorized to be carried on duty.
- Rifled slugs are an authorized option and shall be carried in the sidesaddle of the weapon. Loading of slugs is at the discretion of the officer.
- All Shotgun Ammunition shall be DGS Contract.
- Any other ammunition must be authorized in writing by the District Superintendent with the approval of the LEES Chief (i.e. lead-free, frangible, etc).

Patrol-Ready Condition

- Safety on
- The officer has completed a function test of the shotgun at the beginning of the shift
- Action closed on an empty chamber
- Trigger unpulled
- Magazine fully loaded with 00 buckshot, side-saddle loaded with four 00 buckshot and two rifled slugs
- Locked in patrol vehicle electro-lock type rack or other approved security container designed and installed in the vehicle for that purpose

When on duty and away from immediate access to the vehicle with shotgun, the rack or security container shall be locked and the vehicle secured with windows and doors tightly shut and locked. When off duty, officers shall follow home storage provisions of this chapter (PM § 312.3.2).

313.2.4 RIFLE

A rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their assigned handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Deputy Director, Park Operations.

- Manufacturer: Colt
- Model: LE6920 M4 Carbine or Enhanced Patrol Rifle, .223 Rem. / 5.56 NATO
- Barrel Length: 16.1" length, chrome lined, 1 in 7 twist rate

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- Action: semi-automatic, gas operated
- Material/Finish: Parkerized (black manganese phosphate)
- Front Sight: Fixed or Magpul MBUS Pro
- Rear Sight: Magpul MBUS Pro
- Optic: An approved optic shall be mounted to the weapon when carried for field, duty use. Refer to memorandum on Weapon Accessories for approved makes and models.
- Stock: Telescoping Colt M4 type or B5 Bravo
- Selector: Colt factory reversible or ambidextrous
- Magazine: 2 30-round magazines as approved by Chief of LEESD
- The ammunition contained in each magazine shall be replaced in January of every calendar year.
- Tactical Sling: An approved sling shall be mounted to the weapon when carried for field, duty use. Refer to memorandum on Weapon Accessories for approved makes and models.
- Tactical Light: An approved weapon mounted light shall be mounted to the weapon when carried for field, duty use. Refer to memorandum on Weapon Accessories for approved makes and models.

Authorized Accessories

Refer to memorandum on Weapon Accessories from the Chief of the Law Enforcement and Emergency Services Division. Officers must receive training and successfully qualify with all approved accessories carried on duty.

Authorized Ammunition:

- 62-64 grain Winchester Model RA223R2, Powerpoint, or 62-64 grain comparable
- DGS Contract Ammunition (range 62-64)
- Any other ammunition must be authorized in writing by the District Superintendent with the approval of the LEES Chief (i.e., lead-free, frangible, etc.)
- 55 grain ammunition is not authorized

Patrol-Ready Condition:

- Fire selector switch is in the safe position
- The officer has conducted a function check of the rifle at the beginning of the shift
- Bolt closed
- Chamber empty
- Dust cover closed

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- Magazine loaded to capacity with duty ammunition, inserted and locked into the magazine well
- Locked in patrol vehicle electro-lock type rack or other security container designed and installed in the vehicle for that purpose

When on duty and away from immediate access to the vehicle with rifle, the rack or security container shall be locked and the vehicle secured with windows and doors tightly shut and locked. When off duty, officers shall follow home storage provisions of this chapter (PM § 312.3.2).

313.2.5 OFF-DUTY WEAPONS

The carrying of firearms by sworn officers while off-duty is permitted under Penal Code §§ 830.2, 25450, and 25900, but may be rescinded should circumstances dictate (e.g. suspension of peace officer authority).

The Department does not regulate, encourage, or discourage the carrying of a weapon off-duty. The make, model, and caliber of the weapon carried off-duty are at the discretion of the officer, as is the decision whether or not to carry a weapon off-duty.

When armed, whether on- or off-duty, officers shall carry their badge and Department identification.

313.2.6 AMMUNITION

Officers shall only carry Department authorized ammunition in Department-issued weapons. Ammunition is subject to statewide contract and must be purchased from the approved supplier if available. Lead-free and frangible ammunition is subject to the approval of the LEESD Chief and shall only be used for depredation/dispatching of animals or when required by training facilities, respectively.

313.2.7 WEAPON ACCESSORIES AND SUPPORT EQUIPMENT

The Chief of Law Enforcement and Emergency Services Division may authorize additional weapon accessories and/or modifications to the designated support equipment with the approval of the Deputy Director, Park Operations. Only a Department Armorer or factory-trained technician will make necessary modifications to the weapon to accommodate the approved accessory or support equipment. Department Inspectors may make modifications as directed by a Department Armorer. The Chief of the Law Enforcement and Emergency Services Division shall issue a memorandum listing all approved accessories. That memorandum shall be updated and reissued as needed.

313.2.8 PURCHASING DEPARTMENT WEAPONS

In an effort to maintain consistency within the Department's armory and adherence to approved weapon specifications and accessories, all districts are required to have purchases of new weapons reviewed and approved by the Department Armory Manager (LEES). Written approval by the Armory Manager is to be attached to the purchasing documents.

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313.2.9 PURCHASE OF WEAPONS BY HONORABLY RETIRED PEACE OFFICERS

Penal Code §12027 and Public Contract Code §10334 allow honorably retired peace officers, upon retirement, to purchase their duty weapons for their replacement cost or "blue book" value. Peace officers who retire from the Department with an honorable status with 120 months of service, or as the result of a job-incurred disability regardless of their length of service, will be authorized to purchase their primary weapon and three magazines. Training magazines (3) are to be returned to the Department.

The source of the funds for the purchase shall come from the retiring officer. Documentation of the transfer of the weapon from the Department to the individual will be made in accordance with Penal Code §12078. The purchase of a duty weapon by an honorably retired peace officer does not obligate the Department to automatically issue a retired peace officer ID with a CCW Approved endorsement.

To ensure compliance with Penal Code §12078, the sale or transfer of all Department-owned weapons shall be conducted through the Law Enforcement and Emergency Services Division. All paperwork involved in the sale of the weapon will be forwarded to LEES for input into CLETS.

As authorized in Penal Code §12078(a)(5): "Within 10 days of the date that a pistol revolver or other firearm capable of being concealed upon the person is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, transferred, or delivered shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS)..."

313.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

313.3.1 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructor.
- (c) Officers shall not clean, repair, load or unload any firearm anywhere on Department premises, except where clearing barrels are present, out of public view, and situated in a location that maximizes safety.
- (d) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.
- (e) Weapons shall be rendered in a safe condition prior to storage, including selector switch in a safe position, magazine removed, action opened, and chamber empty. Weapons shall be stored unloaded, selector switch in a safe position, magazine removed, action or bolt closed (shotgun action open), and locked in a secure container of safe design for firearms security. While on duty and entering a detention facility, performing a water rescue, or conducting another activity that requires temporary safe

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storage of a firearm; weapons in a QLS holster may be temporarily stored in a vehicle safe or other locking container without removing them from the holster.

- (f) Officers shall not use any unauthorized weapons on the range (e.g., automatic weapons, rifles chambered other than .223, gas or other types of chemical weapons) except with approval of the Chief of LEESD.
- (g) It is the responsibility of the individual State Park Peace Officer who is approved to carry the weapon(s) to maintain the weapons(s) in accordance with this chapter, and ensure the weapon(s) is fully functional at all times. The State Park Peace Officer shall immediately report any problems with a weapon or accessories to a supervisor, remove the weapon from service, tag the weapon out-of-service, and secure the weapon in accordance with this chapter.
- (h) Nothing in this policy is intended to limit the discretion of a SPPO during times of exigent circumstances such as when confiscating a weapon.
- (i) Dry firing shall only occur:

- 1) On the range under the supervision of a Firearms Instructor
- 2) Where a loading/unloading barrel is present as part of a function check
- 3) By a Firearms Armorer or Inspector during firearms inspections
- 4) At the direction of a Firearms Instructor, Armorer, or Inspector

313.3.2 STORAGE OF FIREARMS AT HOME

For off duty resident officers subject to emergency callout, shotguns and rifles shall be secured at the state residence in a weapons locker designated and designed for that purpose.

For off duty officers not living in a state residence who are assigned to a callout detail, or who are directed by a supervisor to take a patrol vehicle to their residence overnight, shotguns and rifles shall be secured in a manner approved by the Chief Ranger or designee. Generally, that approved manner is:

- At their private residence secured in a weapons locker designed for that purpose
- In an approved electronic locking device within the locked patrol vehicle, while parked in a secured garage at that residence

Officers shall be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

313.3.3 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer at any time who has consumed any amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment.

313.4 FIREARMS TRAINING AND QUALIFICATIONS

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All State Park Peace Officers are required to qualify with their assigned pistol weapon, shotgun, and rifle on an approved range on the schedule outlined below. The Firearms Instructor shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Officer. In addition to regular qualification schedules, the Firearms Instructor shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

A. FULL-SIZED PISTOL- All State Park Peace Officers shall qualify with the pistol according to the following schedule:

- Rangers, Supervising Rangers, State Park Superintendent I, Lifeguards, Lifeguard Supervisors I & II Officers ~ Quarterly
- State Park Superintendents II, III, IV & V, Lifeguard Supervisors III, and State Park Peace officers assigned to headquarters ~ Semi-Annually
- Less-than-full-time State Park Peace Officers who have not qualified during the previous quarter must qualify with the handgun before carrying a weapon on duty

B. SHOTGUN - All Firearms Instructors, and State Park Peace Officers shall adhere to the following schedule:

- Rangers, Supervising Rangers, State Park Superintendent I, Lifeguards, Lifeguard Supervisors I & II ~ Semi-Annually
- State Park Superintendents II, III, IV & V, Lifeguard Supervisors III, and State Park Peace Officers assigned to headquarters should qualify annually

C. RIFLE - All Firearms Instructors and State Park Peace Officers shall adhere to the following schedule:

- Rangers, Supervising Rangers, State Park Superintendent I, Lifeguards, Lifeguard Supervisors I & II ~ Semi-Annually
- State Park Superintendents II, III, IV & V, Lifeguard Supervisors III, and State Park Peace Officers assigned to headquarters should qualify annually

D. COMPACT PISTOL - Any State Park Peace Officer issued a compact duty pistol shall qualify with that weapon semi-annually.

E. LOW LIGHT CONDITIONS QUALIFICATION - All State Park Peace Officers shall adhere to the following schedule:

- Rangers, Supervising Rangers, State Park Superintendent I, Lifeguards, Lifeguard Supervisors I & II ~ Annually
- All other State Park Peace Officers should qualify annually

F. PRACTICAL COURSES - Department qualification and practical courses are contained in the *Department Firearms Instructor Handbook*. Qualification courses are approved by authority of the

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Deputy Director, Park Operations. All officers shall complete an appropriate practical course on the same qualification interval as the duty pistol. This shall be in addition to the duty pistol qualification.

G. FIREARMS INSTRUCTORS - All on-duty range shooting, other than weapons testing by a Department Armorer or Inspector, shall be conducted under the direct supervision of a certified Department Firearms Instructor. Each Firearms Instructor shall meet qualifications under the evaluation of another Department Firearms Instructor, adhering to the schedules outlined in this chapter.

H. AMMUNITION - Only authorized service ammunition (including ammo carried in weapons and magazines) will be used for qualification.

I. CHEMICAL AGENT QUALIFICATION - All State Park Peace Officers shall adhere to the following schedule:

- Rangers, Supervising Rangers, State Park Superintendent I, Lifeguards, Lifeguard Supervisors I & II ~ Annually
- All other State Park Peace Officers should qualify annually

313.4.1 NON QUALIFICATION

State Park Peace Officers are required to achieve a passing score on each required Department qualification course of fire within the scheduled period identified in Policy Manual §313.4.

313.4.2 QUALIFYING SCORES

A Pass/Fail scoring system shall be the only method used for recordkeeping of State Park Peace Officer firearms qualifications.

Pass/Fail record criteria shall be based on a 70% or above passing score for the total possible point value assigned to the Department qualification course, or Pass/Fail as determined by the Firearms Instructor for practical courses of fire.

Qualifying scores and how scores are recorded for cadets during the course of Department authorized Basic Peace Officer Training shall be determined by the Department Training Officer and the Academy Coordinator to comply with POST Basic Academy guidelines.

313.4.3 FIREARMS TRAINING AND QUALIFICATION RECORDS

Firearms qualification scores shall be maintained as follows:

A. Each Law Enforcement and Emergency Services Division shall maintain a record of all firearms qualifications for each individual State Park Peace Officer on the Range Qualification Record, DPR154, and in FOCUS and ArmorerLink.

B. Each Firearms Instructor will certify to the Chief Ranger and District Superintendent by memorandum no later than the 10th of January, April, July, and October, that all firearms qualifications for the previous quarter have been completed and recorded, indicating by name all State Park Peace Officers as either satisfactory or unsatisfactory. Special mention will be made

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in the memorandum when individual State Park Peace Officers satisfactorily participate in a low light shoot.

C. Law Enforcement and Emergency Services Division firearms qualification records must include the serial number of the weapon used for qualification by the individual State Park Peace Officer. All records are subject to spot audit by the Chief of Law Enforcement and Emergency Services, the Deputy Director, Park Operations, or their designees.

313.4.4 CERTIFICATION OF FIREARMS PROGRAM

It is recommended that once every two years a Firearms Instructor recommended by LEES will make an inspection of each Property and Evidence Section's firearms program for the following:

A. Firearm records, including annual POPE inspections and range qualifications, annual weapon inspections, range and course records.

B. The firing range, including distances, locations and safety.

C. Firearms qualification sessions, including a review for proper setting, techniques, safety, and scoring.

Following the inspection a report will be submitted to the Chief Ranger, the Department Training Officer, and the Chief of LEES Division.

313.5 WARNING AND OTHER SHOTS

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

313.6 DESTRUCTION OF ANIMALS

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

In circumstances in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Conducted Electrical Weapon (CEW), oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

Officers are authorized to use firearms to stop a domestic animal in circumstances where the animal reasonably appears to pose an imminent threat to wildlife, and alternative methods are not reasonably available or would likely be ineffective.

313.6.1 INJURED ANIMALS

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code §

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597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed. Officers shall use non-lead ammunition supplied by the Department when dispatching animals consistent with Department of Fish and Wildlife Regulations.

313.7 REPORT OF FIREARM DISCHARGE

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

Refer to Policy Manual § 300.5 - Reporting Use of Force

313.8 FIREARMS INSTRUCTOR DUTIES

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

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

The Firearms Instructor has the responsibility of making periodic inspection (ie. perform a function check, and ensure the weapon is clean and lubricated; refer PM § 311.9), of all duty weapons carried by officers of this department to verify proper operation. The Firearms Instructor has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until function tested by the Firearms Instructor and the officer has demonstrated proficiency on the weapon (Refer PM § 312.2.2).

313.9 MAINTENANCE AND REPAIR

Each officer shall be required to field strip and clean an assigned pistol, shotgun, or rifle as needed

- (a) Each officer shall be responsible for routine cleaning, upkeep, and condition of Department-issued firearms
- (b) Each officer shall be responsible for promptly reporting any damage or malfunction of assigned firearms (In addition to reporting the condition, the firearms shall be marked in a prominent way, "RED-TAGGED," to alert and prevent use."RED-TAGGED" firearms shall not be loaded or have magazines and/or auxiliary ammunition carriers loaded.)

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- (c) Each weapon carried on duty shall be subject to inspection by a supervisor, the Firearms Instructor, Armorer, or Firearms Inspector at any time
- (d) Primary responsibility for maintenance of Department-issued firearms shall fall on the Armorer or Firearms Inspector, who shall inspect and service each firearm under their responsibility on an annual basis
- (e) No modification shall be made to any Department-issued firearm except by a Department Armorer

Since the use of personally owned secondary weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

313.9.1 WEAPON SIGHT IN

All weapons shall be sighted in annually by the assigned officer, under the direction of a Department Firearms Instructor. The process for sight in of each weapon system shall be described in the Firearms Instructor Handbook. Any time a sight or optic is adjusted or removed and reinstalled from the weapon, the weapon sight in shall be re-confirmed.

313.10 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their Department identification card which must contain a full-face picture, and the signature of the Deputy Director, Park Operations or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Communications Center must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Communications Center an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (e) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (f) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

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- (g) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (h) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

313.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The officer shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall carry a currently valid DPR Honorably Retired Peace Officer identification card with CCW authorization, and shall also carry either
 1. a companion supplemental qualification card issued by the Law Enforcement and Emergency Services Division showing the retired officer has met range qualification requirements within the last 12 months, or
 2. a copy of the official range qualification form showing that the retired officer has met range qualification requirements within the last 12 months
 3. Carrying the DPR Honorably Retired Peace Officer identification card with CCW authorization alone does not qualify retired officers to carry concealed weapons on states other than California
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

Vehicle Pursuits

315.1 PURPOSE AND SCOPE

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

315.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

315.2 POLICY

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

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315.3 OFFICER RESPONSIBILITIES

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

315.3.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

315.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the

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present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

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

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

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

315.3.3 SPEED LIMITS

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

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

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

315.4 PURSUIT UNITS

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

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

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

315.4.1 MOTORCYCLE OFFICERS

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

315.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

315.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

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315.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

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

315.4.5 PURSUIT DRIVING

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

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

315.4.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the

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termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

315.4.7 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

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

315.4.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

315.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.

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- (h) Ensuring that the supervisor is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing California Department of Parks and Recreation units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

315.5.1 SUPERVISOR RESPONSIBILITIES

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

The supervisor shall review all pertinent reports for content and forward to the Chief Ranger.

315.6 THE COMMUNICATIONS CENTER

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

315.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

315.6.2 LOSS OF PURSUED VEHICLE

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

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315.7 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.

315.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

315.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

315.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

315.8.1 USE OF FIREARMS

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

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

315.8.2 INTERVENTION STANDARDS

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

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

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- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 - 1. Supervisory approval should be obtained before using the technique.
 - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will terminate or prevent the pursuit.
 - 4. Ramming may be used only under circumstances when deadly force would be authorized.
 - 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
 - 1. Tire deflation devices should only be used by officers who have received training in their use.
 - 2. Supervisory approval should be obtained before using tire deflation devices.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the use will terminate or prevent the pursuit.
 - 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 - 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
 - 1. Roadblocks should only be used by officers who have received training in their use.
 - 2. Supervisory approval should be obtained before using the technique.

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

315.8.3 CAPTURE OF SUSPECTS

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

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

315.9 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Shift Supervisor 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 Shift Supervisor for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor may be asked to furnish a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief Ranger, for forwarding to the Chief, LEESD or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.

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7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief Ranger or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Chief Ranger should direct a documented review and analysis of District vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs. This effort will be duplicated with an annual review of pursuits by the Assistant Chief of LEESD and staff, based on documents submitted to LEESD.

315.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Officer shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

315.9.2 POLICY REVIEW

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

315.10 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.

Officer Response to Calls

317.1 PURPOSE AND SCOPE

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

317.2 RESPONSE TO CALLS

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

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

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

317.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

317.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Shift Supervisor or the field supervisor authorizes an additional unit(s). If no supervisor is immediately available and the requesting officer identifies a pressing need based on the type of situation, that officer may request more than one unit as backup.

317.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer (s) believe a Code-3 response is appropriate, the

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Communications Center shall be notified. The Shift Supervisor or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

317.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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

317.6 COMMUNICATIONS RESPONSIBILITIES

A communications operator shall take appropriate action when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The communications operator shall:

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

317.7 SUPERVISORY RESPONSIBILITIES

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

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

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment,

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the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

When making the decision to allow a continued Code-3 response, the supervisor should consider the following:

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

317.8 FAILURE OF EMERGENCY EQUIPMENT

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

Canine Program

319.1 PURPOSE AND SCOPE

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

All personnel assigned to the Canine Program shall abide by the guidelines and procedures established in the Canine Program Handbook and in this Canine Program Policy

319.1.1 AUTHORITY OF SUPERVISION

Throughout this policy, authority is given to the handler's chain of command and/or the Canine Program Coordinator. In addition, the chain of command shall be notified when the Canine is deployed for use other than routine patrol and evidence detection. The Canine Program Coordinator may select a "designee" to act in their absence. The designee shall be a Supervisory or above State Park Peace Officer with prior Canine handling experience.

319.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

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

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

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

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

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319.2.1 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision whether to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

319.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

319.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles deemed necessary.
- (d) A narcotic-detection canine will not be used to search a person for narcotics.

319.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted. When

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available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

- (a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will a detection dog be used to render a suspected device safe or clear.

319.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

319.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Canine Use Report (DPR 19) shall be completed by the handler and turned in to the Handler's Supervisor.

Whenever the use of the canine results in a bite or any injury a Canine Use Report (DPR 19) Form and Use of Force Notification and Review (DPR 157) shall be completed and included with any related incident report.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody an officer should remain with the suspect until treatment has been rendered.

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Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. It shall be the responsibility of the Canine Program Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the Canine Program Coordinator. Unintended bites or injuries caused by the canine should be documented in an Incident Report, not on a Canine Use Report (DPR 19).

The Canine Program Coordinator will maintain liaison with Animal Control Departments as necessary to ensure that information regarding canine bites is not retained by the offices. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department (Food and Agriculture Code § 31609(b)).

319.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Handler's Supervisor. If the injury is significant and requires emergency medical attention, the Canine Program Coordinator will also be notified.

Medical care for any injured canine shall follow the protocol established in § 319.6 et seq. The injury will be documented on the Canine Monthly Training Log.

319.2.8 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the State Park Districts at the discretion of the District Superintendent.

319.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the District shall go through the Canine Program Coordinator.

319.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The handler's supervisory chain of command must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty unless authorized by the handler's supervisory chain of command.

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- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

319.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the handler's supervisory chain of command prior to making any commitment. Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the handler's supervisory chain of command.

319.4 SELECTION OF CANINE HANDLERS

(a) Filling Canine Handler Positions

1. Canine Handler Positions will be filled on a case-by-case basis. Vacancies will be open to current Canine Handlers who have completed one year in the initial assigned district. Incumbents will fill the position on a seniority basis. If no Canine Handlers apply for the vacancy, then the vacancy will be advertised and all qualified Ranger/Lifeguards may submit applications for their respective classifications.

(b) Canine Handler Selection

1. Canine Handler Selection will be made by a three-person panel consisting of:
 - (a) The District Superintendent, or his/her supervisory peace officer designee, where the vacancy has occurred
 - (b) The Department Canine Coordinator or their designee (the designee must be at a supervisory level and have had canine handling experience)
 - (c) A current Ranger/Lifeguard Canine Handler selected by CSLEA and the Department alternatively striking names of the existing Canine handlers one name at a time until only one name remains. The Department will strike the first name.

(c) All applicants must submit the following:

1. Canine Application
2. Last year of Range and Defensive Tactics qualification reports.
3. One accident report and one crime report written by the candidate. The crime report must be one report in which the candidate made a physical arrest.

(d) A review of the applications and reports to screen candidates not meeting minimum requirements will be conducted prior to the interview process.

(e) The ranking of the applicants will be based on the following statistical rating categories:

1. Law enforcement/canine experience
2. Report Writing Skills
3. Defensive Tactics and Range Experience
4. Interview

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5. Each panel member will individually rate candidates immediately after their interview.
- (f) Once the evaluation has been completed, the candidates will be placed into three categories based upon a Statistical Rating Report using a point system. The categories will be as follows:
1. Well-Qualified = 3 Points
 2. Standard = 2 Points
 3. Below Standard = 1 Point
 4. Final rating shall be the average of the total scores of all panel members.
 5. The most senior candidate from the Well-Qualified category will be offered the position. If that person does not accept the position, then the next senior person in that category will be offered the position and so on until that category is exhausted. The most senior person in the Standard Rank will then be offered the position and so on until that rank is exhausted. This process will continue through the standard category until an applicant accepts the position. If a candidate does not accept the position in the first two categories, then the position will be advertised again and a new selection process will be initiated.
- (g) The successful candidate will agree to remain in the Canine Handler Program for the training status period plus three years and at the initial assignment for one year. Candidates will not be bound by this agreement in the event of a promotion.
- (h) The Canine Program and annual qualifications are contained in the Canine Handler's Handbook. Changes in the qualification procedures based on updated law enforcement training and techniques may occur from time to time.
- (i) All requirements and standards for canine assignments are described in the Canine Handler's Handbook and will be initially available to all applicants. Changes in the handbook based on updated law enforcement training and techniques may occur from time to time.
- (j) The successful candidate will be on training status for six months following completion of the formal patrol training class. The candidate will receive 16 hours of additional formal training prior to the beginning of the fifth month of training status. He/she must qualify with the canine within that six-month period or be returned to their former position or a comparable position in the same division, at the candidate's expense. Department of Parks and Recreation delays in providing training shall not count toward the six-month training period. The Department Canine Handler's Probation committee will review individual cases of non-qualifying candidate/trainee handlers to determine appropriate actions. Training documents need to be sent to the Program Coordinator in order to keep records up-to-date.
- (k) Patrol with the canine will not be permitted until the new handler has passed the POST Canine Qualifications at the formal patrol canine training class.
- (l) A review of the handler's progress may be made during or after the initial formal patrol training class by the Department's Canine Program Coordinator. A Handler's

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Probation Review Committee will review cases that may require termination from the canine program predicated on the Program Coordinator's recommendations. This committee will be comprised of:

1. The Department Canine Program Coordinator or designee as defined in item "b" above in this section.
 2. The Department Canine Trainer
 3. The candidate/trainee's District Superintendent or supervisory peace officer designee.
- (m) Serious qualification problems by a candidate/trainee, once reviewed by this committee may be cause for the Canine Program Coordinator to terminate the candidate's assignment as a Canine Handler Trainee. The committee may also recommend other administrative action such as time extension and/or remedial procedures as they deem appropriate to the problem/circumstances.
- (n) Incumbents will receive canine differential pay upon assignment of the patrol canine.
- (o) Prior to the assignment as a canine handler, the candidate must demonstrate that they reside in an adequately secured, single family residence.
- (p) Canine Handlers must live within 60-minute response time from the handler's reporting location or as agreed upon by the District Superintendent.
- (q) Upon the retirement of a patrol dog, the handler must provide a written request within two weeks to the District Superintendent and the Canine Program Coordinator stating their intentions to stay in the handler position and be assigned another patrol dog or requesting to discontinue being a handler. If the handler requests to stay in their position and be assigned another patrol dog, the District Superintendent and Canine Program Coordinator will evaluate the handler's performance during their time as a handler and determine whether to assign a new patrol dog to the handler or advertise the position to other interested candidates. If the position is advertised to all interested candidates, the handler will be allowed to apply and compete for the position. If the handler chooses to not be assigned another patrol dog or the District Superintendent and Canine Program Coordinator choose to advertise the position to all interested candidates and the handler is not selected, the handler will be placed into a non-canine handler SPPO position within the same geographical area.

319.5 CANINE HANDLER RESPONSIBILITIES

319.5.1 CARE FOR THE CANINE AND EQUIPMENT

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

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

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- (c) Handlers shall permit the Canine Program Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Canine Program Coordinator as soon as possible.
- (e) When off-duty, canines shall be maintained in kennels, provided by the Department, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the handler's supervisory chain of command.
- (h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the handler's supervisory chain of command.
- (i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily kennel the canine. In those situations, the handler shall give reasonable notice to the handler's supervisory chain of command so that appropriate arrangements can be made.

319.5.2 CANINE IN PUBLIC PLACE

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific law enforcement operations for which the canines are trained.

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

319.5.3 HANDLER COMPENSATION

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

319.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 319.6.2.

319.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine handler's supervisory chain of command.

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Any indication that a canine is not in good physical condition shall be reported to the handler's supervisory chain of command and Canine Program Coordinator as soon as practical.

All records of medical treatment shall be maintained by the canine handler, with summaries of the medical treatment sent to the Canine Program Coordinator in their monthly logs.

319.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the handler's supervisory chain of command and the Canine Program Coordinator as soon as practical when emergency medical care for the canine is required.

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

319.6.3 NARCAN DEPLOYMENT FOR CANINE USE

Department issued canines have a high potential of being exposed to deadly drugs in the course of their work, opioids being of particular concern. Each department canine handler will be issued two 4mg Naloxone (NARCAN) brand nasal spray doses prescribed by a veterinarian for canine use only. Canine handlers shall carry two 4mg NARCAN nasal spray doses while on duty to be administered only to their department issued canine pursuant to their training.

Any use of NARCAN on a department issued canine shall be immediately reported to the Canine Program Coordinator and documented on the canine monthly training record. All unused doses shall be returned to the Canine Program Coordinator at the expiration date and new doses will be issued. If any of the doses have been stolen or lost, the canine handler that had custody of the NARCAN shall complete a Public Safety Report. In addition to the normal distribution, copies of the reports shall be forwarded to the LEES Division Canine Superintendent.

Prior to issuance of NARCAN, training will be provided. Each dose will be carried and stored in accordance with the manufacturer's guidelines listed on the package.

319.7 TRAINING

Before assignment to the field, each canine team shall be trained and certified to meet current POST patrol standards. Cross-trained canine teams trained for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by Peace Officers Standards of Training (POST).

319.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current POST standards. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the Department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the handler's supervisory chain of command.

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- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the California State Parks.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the handler's supervisory chain of command.

319.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST patrol canine certification shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties. Any canine team failing POST detection canine certification shall not be deployed for detection assignments until certification is achieved but shall be allowed to continue canine patrol if certified for patrol.

Failure to Certify

Upon notification from the Canine Program Coordinator of an annual certification failure by a State Park Canine Handler, the District Superintendent will temporarily remove the patrol canine from patrol and/or detection duties. Failure for purposes of annual certification constitutes a failing score in any section.

The Canine Handler who fails to successfully qualify during the annual certification shall be required to comply with the following remediation process:

- (a) During the next quarter the handler will be given a maximum of 16 hours of training by a Department-designated trainer in order to qualify.
- (b) The Department's Canine Program Coordinator or other qualified Department personnel will be made available to provide on-going, focused training in the problem area.
- (c) If, upon completion of the remediation training, the handler qualifies in the failed section(s) the Canine Program Coordinator will notify the District Superintendent to authorize the patrol and/or detection canine to be put back in service.
- (d) Should the handler, after completion of the prescribed training, fail to remediate by the end of the quarter, the Canine Program Coordinator will notify the District Superintendent. The District Superintendent will convene the Handler Probation Review Committee. The Committee will determine a course of action such as remediation, extension or decertification.
- (e) Failure in the Annual Certification on any second occasion within a five-year period will result in an automatic review by the committee. The committee will examine all existing circumstances and decide upon a course of action.
- (f) Remediation extensions should not normally be granted except under extenuating circumstances such as significant medical problems of the handler or canine.
- (g) If the handler is to be decertified, they will receive written notice at least 5 calendar days in advance of the decertification. If the decertification requires additional action taken, such actions must be consistent with applicable DPA/SPB rules and contract provisions.

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319.7.3 TRAINING RECORDS

All canine training records shall be maintained by the canine handler and submitted monthly to the Canine Program Coordinator.

319.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Canine Program Coordinator and/or designee shall be appointed by the Chief of LEESD and shall supervise the Canine Program. The Canine Program Coordinator reports to the Chief of LEESD. The Canine Program Coordinator shall be responsible for, but not limited to, the following:

- (a) Review all Canine Use Reports (DPR 19) and Canine Use of Force Reports (DPR 157) to insure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with the handler's supervisory chain of command. Maintain liaison with other agency canine coordinators.
- (d) Maintain accurate records to document canine activities.
- (e) Recommend and oversee the procurement of new canines, needed equipment, and services for the unit.
- (f) (Be responsible for scheduling canine training.
- (g) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.
- (h) Annual evaluation of canine teams to ensure adherence to POST and Departmental canine guidelines.
- (i) Oversee the selection of new Canine Handlers

319.9 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

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319.9.1 PROCEDURES

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

- (a) All necessary controlled substance training samples shall be acquired from the California State Parks Department's evidence personnel pursuant to the Post Evidence Guide Chapter 6, or from allied agencies authorized by Health & Safety Code §11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this Department in handler's monthly logs.
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code §11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Program Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence personnel or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

319.9.2 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

319.10 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 12302). Explosive training aids designed specifically for K-9 teams should be used Whenever

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

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) The Canine Program Coordinator shall be responsible to verify the explosives training aids on hand against the inventory ledger annually.
- (d) Only members of the Canine Unit shall have access to the explosives training aid storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the Supervisor or second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosives training aid shall be promptly reported to the Canine Program Coordinator in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

319.11 E-COLLAR DEVICE

The use of an E-collar device shall be reviewed on a case by case basis. The determination if an E-collar's use will benefit and enhance the canine's ability to work effectively will be decided by unanimous consent of the current training vendor, the Department canine program coordinator (or designee) and the canine's handler collectively. The E-collar is designed to be a communication and behavior shaping device to enhance the off-leash working relationship between the canine and the Handler. The E-collar accomplishes this through low-level stimulus that is intended to clear the canine's head in order to better receive and respond to commands from the Handler. The E-collar is not designed and not meant to be used as a punishment device for disobedience. If a Handler is faced with a situation where the canine is being disobedient or is non-responsive to stimulus from the E-collar, the E-collar shall be turned off and the Handler should resort to manual and/or verbal correction.

319.11.1 STANDARD OF TRAINING BEFORE USE

The E-collar device is not a substitute for basic obedience training. Prior to introduction and use of the E-collar, all canines should be competent in basic obedience, to include releasing/"outing" the canine from a toy or a decoy and returning to the Handler using verbal commands.

Prior to use of the E-collar, all canines and Handlers shall attend a respected E-collar training course. The training course shall minimally address each of the topics stated in this policy.

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319.11.2 PROPER PLACEMENT OF THE E-COLLAR

The E-collar should be fully charged and checked for function prior to each use. The Handler shall insure that the E-collar prod contacts are of sufficient length to penetrate the coat of the canine and make good contact.

The receiver should be placed as low on the canine's neck as possible and to the side nearest the Handler. Low placement reduces the chance of choking or interfering with the bite process. The collar should be tight enough to insure good prod contact with the canine's neck. If the collar is too loose, inconsistent stimulus will occur.

The only acceptable placement of an E-collar on a canine is on the neck. Attaching an E-Collar to any other location other than the neck shall be a violation of policy and may be a violation of law.

319.11.3 WHEN TO WEAR THE E-COLLAR

The canine should be wearing the E-collar when the team is working. When the canine is not working, the E-collar should be removed. The Handler may decide during a situation that the E-collar is not suitable or desirable for use. These situations and decisions should be properly documented by the Handler if a canine deployment is made without an E-collar in place.

Domestic Violence

322.1 PURPOSE AND SCOPE

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

322.1.1 DEFINITIONS

Definitions related to this policy include:

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

322.2 POLICY

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

322.3 OFFICER SAFETY

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

322.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Law Enforcement and Emergency Services Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

322.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

322.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

322.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

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

322.6 DISPATCH ASSISTANCE

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

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

322.7 FOREIGN COURT ORDERS

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

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

322.8 VERIFICATION OF COURT ORDERS

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

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

322.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

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322.10 REPORTS AND RECORDS

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

322.11 RECORD-KEEPING AND DATA COLLECTION

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

322.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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1. An officer should ensure that the Records Center is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Center Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

322.13 PUBLIC ACCESS TO POLICY

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

322.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

322.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

Search and Seizure

324.1 PURPOSE AND SCOPE

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

324.2 POLICY

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

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

324.3 SEARCHES

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

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

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

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

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

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

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324.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

324.5 DOCUMENTATION

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

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Temporary Custody of Juveniles

326.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the California Department of Parks and Recreation (34 USC § 11133).

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

326.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

326.2 POLICY

The California Department of Parks and Recreation is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the California Department of Parks and Recreation. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

326.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the California Department of Parks and Recreation:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Shift Supervisor. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the California Department of Parks and Recreation unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

326.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Shift Supervisor shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

326.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

326.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the California Department of Parks and Recreation when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the California Department of Parks and Recreation without authorization of the arresting officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the California Department of Parks and Recreation (34 USC § 11133; Welfare and Institutions Code § 207.1).

326.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the California Department of Parks and Recreation. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions

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Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

326.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

326.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the California Department of Parks and Recreation unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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326.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

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

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

326.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the California Department of Parks and Recreation (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

326.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the California Department of Parks and Recreation shall ensure the following:

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the California Department of Parks and Recreation more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the California Department of Parks and Recreation more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

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- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

326.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the California Department of Parks and Recreation when

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the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

326.9 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the California Department of Parks and Recreation shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the California Department of Parks and Recreation.

326.10 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

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Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

326.10.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

326.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the California Department of Parks and Recreation (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor and Chief Ranger.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the District Attorney.
- (e) Notification to the coroner.

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- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

326.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

326.13 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Shift Supervisor.

Any juvenile, 14 years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Shift Supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

326.14 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the California

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Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate supervisors to ensure that personnel act within legal guidelines.

326.15 RELIGIOUS ACCOMMODATION

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

326.16 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures, as needed for the operation.

Senior and Disability Victimization

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for California Department of Parks and Recreation members as required by law (Penal Code § 368.6).

The California Department of Parks and Recreation is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

328.2 DEFINITIONS

Definitions related to this policy include:

Adult Abuse - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/ licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

Dependent Adult - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

328.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05;

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Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.
- (c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.
- (d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (e) The Law Enforcement and Emergency Services Division Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services as soon as practicable but no later than two hours after the officer becomes aware of the abuse
- (g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.
- (h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The Chief Ranger or their designee is responsible for ensuring that proper notifications have occurred to the Law Enforcement and Emergency Services Division Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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328.3.1 DISTRICT OR DIVISION OFFICE RESPONSIBILITY

The Law Enforcement and Emergency Services Division Office is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retain the original elder/dependent abuse report with the initial case file.

328.4 OFFICER'S RESPONSE

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

328.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

328.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, officers should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

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328.4.3 EMERGENCY PROTECTIVE ORDERS

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

328.5 ADULT ABUSE REPORTING

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Officers responding to a case of suspected adult abuse shall ensure a copy of the report is forwarded to the District Attorney and the local Sheriff's Department, and County Department of Social Services.

328.6 RECORDS BUREAU RESPONSIBILITIES

The Records Center is responsible for:

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

328.7 JURISDICTION

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

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

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

328.8 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

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(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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

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1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a

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physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

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

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
 - 1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 - 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
 - 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 - 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 - 3. Failure to protect from health and safety hazards.
 - 4. Failure to prevent malnutrition or dehydration.
 - 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 - 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:

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1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Incest, as defined in Section 285 of the Penal Code.
 5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

328.9 DEPUTY DIRECTOR, PARK OPERATIONS RESPONSIBILITIES

The Deputy Director, Park Operations or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective

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- order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
- (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

328.10 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Deputy Director, Park Operations or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

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332.1 PURPOSE AND SCOPE

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

332.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

332.2 POLICY

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

332.3 MANDATORY NOTIFICATION

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

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

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

332.3.1 NOTIFICATION PROCEDURE

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

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

332.4 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.

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

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

332.4.1 EXTRA JURISDICTIONAL REPORTS

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

332.4.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

332.5 PROTECTIVE CUSTODY

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

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

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

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

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

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

332.5.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

332.5.2 NEWBORNS TESTING POSITIVE FOR DRUGS

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

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

332.6 INTERVIEWS

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332.6.1 PRELIMINARY INTERVIEWS

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

332.6.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

332.6.3 INTERVIEWS AT A SCHOOL

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

332.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

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

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332.8 DRUG-ENDANGERED CHILDREN

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

332.9 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

332.9.1 RELEASE OF REPORTS

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

332.9.2 CHILD DEATH REVIEW TEAM

This department shall cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

Missing Persons

334.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations. Refer to DOM Chapter 15 for policy and procedure on Search And Rescue.

334.1.1 DEFINITIONS

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

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

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

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

334.2 POLICY

The California Department of Parks and Recreation does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The California Department of Parks and Recreation gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14205).

334.3 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14205). This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14205).

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334.4 INITIAL INVESTIGATION

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

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is at risk.
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk (Penal Code § 14205).
- (e) Ensure that entries are made into the appropriate networks as follows:
 - 1. Immediately when the missing person is at risk
 - 2. In all other cases, as practicable but not later than two hours from the time of the initial report
- (f) Notify a supervisor if the missing person may qualify for a public alert, as provided in the Public Alerts Policy.
- (g) Contact the lead agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (h) If the missing person is not located in a reasonable amount of time, based on the individual's age, medical and mental condition, the SPPO or supervisor in charge should notify the Sheriff's Department of the missing person and work with the agency to transfer responsibility for the missing person search and investigation to the Sheriff. Government Code § 26614 stipulates that Search And Rescue is the responsibility of the County Sheriff.

Public Alerts

336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

336.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

336.3 RESPONSIBILITIES

336.3.1 MEMBER RESPONSIBILITIES

Members of the California Department of Parks and Recreation should notify their supervisor, Shift Supervisor, or Law Enforcement and Emergency Services Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

336.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Deputy Director, Park Operations, Chief of LEES, the appropriate Division Chief and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief of LEES and the appropriate Division Chief

336.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

336.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

336.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

336.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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336.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

336.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

336.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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336.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

336.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol.

336.7 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

336.7.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

336.7.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

336.8 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

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336.8.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 - 1. The complete license plate number of the suspect's vehicle.
 - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 - 3. The identity of a suspect.
 - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

336.8.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

336.9 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

336.9.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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336.9.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

336.10 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

336.10.1 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

336.11 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

336.11.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

336.11.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

Victim and Witness Assistance

338.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

338.2 POLICY

The California Department of Parks and Recreation is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the California Department of Parks and Recreation will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

338.3 CRIME VICTIM LIAISON

The Chief Ranger may appoint a State Park Peace Officer to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the California Department of Parks and Recreation regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

338.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the California Department of Parks and Recreation jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

338.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

338.5 VICTIM INFORMATION

The Chief Ranger shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.

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- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

338.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

340.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the California Department of Parks and Recreation may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

340.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship

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- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

340.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Deputy Director, Park Operations or other command-level officer to whom the Deputy Director, Park Operations formally delegates this responsibility.

340.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

340.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief, LEES Division or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

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- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Officer to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Center for mandated reporting to the Department of Justice.
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Center Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
 - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
 - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

340.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

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The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

340.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

340.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).

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- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 6254.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

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340.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 6254.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 - 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 - 2. Provide ongoing information to victims about the status of the criminal investigation.
 - 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

340.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 - 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 - 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

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- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief, LEES Division for approval.

340.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

340.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

Report Preparation

347.1 PURPOSE AND SCOPE

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

347.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned officer to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Blanket guidelines may be prepared for District SPPOs by the Chief Ranger based in part on guidance from the District Attorney(s) office(s). Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

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

347.2 REQUIRED REPORTING

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

347.2.1 CRIMINAL ACTIVITY

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

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy
 - (b) Domestic Violence Policy
 - (c) Child Abuse Policy
 - (d) Senior and Disability Victimization Policy

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- (e) Hate Crimes Policy
- (f) Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

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

347.2.2 NON-CRIMINAL ACTIVITY

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

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

Emergency Medical Incidents as defined in DOM Chapter 11

347.2.3 DEATH CASES

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

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

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- (e) Found dead bodies or body parts.

347.2.4 INJURY OR DAMAGE BY STATE PERSONNEL

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

347.2.5 MISCELLANEOUS INJURIES

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

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event
- (e) The injury is related to a tree failure, wildlife interaction, or any park facility
- (f) An on-duty Department employee or volunteer assess or treats a patient (Refer to DOM Chapter 11 for information on Emergency Medical Services reporting)

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

347.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

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

347.2.7 MANDATORY REPORTING OF OCCUPATIONAL INJURY OR FATALITY

Refer to Policy Manual §360.2.6.

347.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

347.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

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347.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

347.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the employee via the established PRMS process. Edits to the reports shall NOT be made by individuals other than the reporting officer, EXCEPT in cases where edits are necessary to change a NIBRS code or otherwise make a non-substantive, minor modification in the interest of NIBRS compliance.

347.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Center for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Center may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor. Exceptions to these will include only NIBRS-corrections instances, as noted in 346.4.

Media Relations

349.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

349.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Deputy Director, Park Operations. In situations not warranting immediate notice to the Deputy Director, Park Operations and in situations where the Deputy Director, Park Operations has given prior approval, Division Chiefs, Shift Supervisors, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

349.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency through the Joint Information Center prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the District Superintendent.

349.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Deputy Director, Park Operations and the express consent of the person in custody.

349.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Law Enforcement and Emergency Services Division Superintendent.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Law Enforcement and Emergency Services Division Superintendent will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

349.3.2 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

349.3.3 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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349.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Supervisor. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Shift Supervisor (Welfare and Institutions Code § 827.5).

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

349.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.

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- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
- (c) Criminal history information
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (e) Information pertaining to pending litigation involving this department
- (f) Information obtained in confidence
- (g) Patient care information (refer to DOM Chapter 11)
- (h) Home addresses or phone numbers of Department employees (Government Code §6245.3(a))
- (i) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

349.5 POLICY

It is the policy of the California Department of Parks and Recreation to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

349.6 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of the Law Enforcement and Emergency Services Division (or his or her designee).

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of the Law Enforcement and Emergency Services Division, (or his or her designee), will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

349.7 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Chief Ranger. The Chief Ranger shall, as necessary contact the Communications Office. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the District Superintendent and Chief Ranger. Under these circumstances the member should direct the media to the agency handling the incident.

349.8 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

349.8.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Supervisor or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

349.9 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

349.9.1 INFORMATION LOG

The Department may maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Supervisor.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Shift Supervisor (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

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Any requests for copies of related reports or additional information shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Chief Ranger. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Court Appearance And Subpoenas

351.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

351.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

351.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

351.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

351.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

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351.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or a department designated employee shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). The Law Enforcement and Emergency Services Division office/designee is responsible for maintaining a log of all subpoenas and will provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Law Enforcement and Emergency Services Division office as well as a copy to the individually named employee.

351.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the Shift Supervisor or designated subpoena coordinator of his/her absence. It shall then be the responsibility of the Shift Supervisor or subpoena coordinator to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the designated subpoena coordinator shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

351.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees

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are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

351.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with California Department of Parks and Recreation shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

351.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

351.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

351.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

351.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

351.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

351.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

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The overtime on such appearance will be calculated from the time the officer left his/her residence until he/she returned.

351.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

351.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

351.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

351.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

351.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Law Enforcement and Emergency Services Division Superintendent, the Deputy Director, Park Operations, and the Law Enforcement and Emergency Services Division Attorney's Office in criminal cases. The Department Legal Office and/or the Attorney General's Office will be notified as determined by Department management.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Mutual Aid and Outside Agency Assistance

355.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

Refer to California Disaster and Civil Defense Master Mutual Aid Agreement, the State Emergency Plan, the Law Enforcement Mutual Aid Plan, and DOM Chapter 15 for further information.

355.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies should be routed to the supervisor or officer in charge for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, an event number will be issued to report action taken by California Department of Parks and Recreation Personnel. Probation violators temporarily detained by this department will not ordinarily be booked by this department.

355.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall normally first attempt to notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

355.1.3 MUTUAL AID REQUESTS - OTHER THAN DAY-TO-DAY MUTUAL AID

Refer to DOM Chapter 15 for information on Mutual Aid other than day-to-day Mutual Aid.

Registered Offender Information

359.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the California Department of Parks and Recreation will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

359.2 POLICY

It is the policy of the California Department of Parks and Recreation to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

359.3 MONITORING OF REGISTERED OFFENDERS

The Chief Ranger should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Chief Ranger should also establish a procedure to routinely disseminate information regarding registered offenders to California Department of Parks and Recreation personnel, including timely updates regarding new or relocated registrants.

359.4 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief Ranger if warranted. A determination will be made by the Chief Ranger, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website.

The Department may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

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359.4.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Serious Incident Notification

361.1 PURPOSE AND SCOPE

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

361.2 POLICY

The California Department of Parks and Recreation recognizes that certain incidents should be brought to the attention of managers or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

361.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Deputy Director, Park Operations, Chief of LEES, and the affected Field Division Chief. The following incident types are provided as a guide for notification and is not intended to be all-inclusive:

- All fatalities within the jurisdiction of the State Park System to include persons drowning outside State Park jurisdiction but being recovered within the State Park System or persons disappearing within the State Park System or persons disappearing within the State Park System, and the body being recovered outside the System (such as in a drowning).
- All incidents involving an injury of such severity that death is likely to occur, or where severe, permanent physical disability is highly probable.
 - Significant changes in the status of victim(s) that occur after 24 hours, especially where death results from the initial injury, shall be reported by the field staff handling the incident. This update can be accomplished by completing a fresh DPR 978 and faxing a copy to the LEES Division, or by direct telephone communication to LEES duty officer.
- Any emergency event with media coverage or potential media involvement.

LEES Division will provide further guidance to Chief Rangers and the Communication Centers to help refine what incidents should be reported as a SIN, LEES Division will also establish an internal procedure for assigning a superintendent to be the on-call duty officer for constant coverage. This duty officer, as referenced above and below, will serve as the facilitator of SIN editing and distribution.

361.4 RESPONSIBILITY

The SPPO in command of the incident, or acting as the main DPR agency representative is responsible for the generation of the SIN through their communication center. The Communications Operator handling the incident is responsible for completing the DPR 978 and faxing it to the Law Enforcement and Emergency Services Division, and to the Attorney General's Office within 24 hours of the incident.

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361.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 360.3, the Communication Operator shall follow established procedure to disseminate Serious Incident Notifications through the designated LEES duty officer.

Death Investigation

363.1 PURPOSE AND SCOPE

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

363.2 INVESTIGATION CONSIDERATIONS

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

363.2.1 CORONER REQUEST

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

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

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

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

363.2.2 SEARCHING DEAD BODIES

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

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

363.2.3 DEATH NOTIFICATION

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

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363.2.4 UNIDENTIFIED DEAD BODIES

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

363.2.5 DEATH INVESTIGATION REPORTING

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

363.2.6 EMPLOYMENT RELATED DEATHS OR INJURIES

Any State Park Peace Officer, Firefighter, or Emergency Medical Responder who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

363.2.7 ATTORNEY GENERAL NOTIFICATION

As soon as practical after a death incident on State Park property is completed, the supervisor in charge of the scene shall be responsible to notify the Attorney General's office of the death.

Identity Theft

365.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

365.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card theft occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate agency for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

367.1 PURPOSE AND SCOPE

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

367.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

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

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

367.3 ARRESTS BY PRIVATE PERSONS

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

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

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

367.4 OFFICER RESPONSIBILITIES

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

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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

367.5 REPORTING REQUIREMENTS

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

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

Limited English Proficiency Services

371.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

371.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the California Department of Parks and Recreation, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

371.2 POLICY

It is the policy of the California Department of Parks and Recreation to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

371.3 LEP COORDINATOR

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to

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use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

371.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

371.5 TYPES OF LEP ASSISTANCE AVAILABLE

California Department of Parks and Recreation members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

371.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered.

371.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

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371.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other agencies, who have been identified by the Department as having the requisite skills and competence, may be requested.

371.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

371.10 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

371.11 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or

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lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

371.12 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

371.13 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

371.14 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

371.15 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

Communications with Persons with Disabilities

373.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

373.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

373.2 POLICY

It is the policy of the California Department of Parks and Recreation to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

373.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

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- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

373.4 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the California Department of Parks and Recreation, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

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373.5 TYPES OF ASSISTANCE AVAILABLE

California Department of Parks and Recreation members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

373.6 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

373.7 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

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373.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

373.9 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

373.10 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

373.11 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source.

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If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

373.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

373.12.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

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Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

373.13 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

373.14 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

373.15 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints against State Park Peace Officers will be referred to the Law Enforcement and Emergency Services Division. Complaints against other department personnel will be referred to the Department's ADA Office.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

373.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

Mandatory Employer Notification

375.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

375.2 POLICY

The California Department of Parks and Recreation will meet the reporting requirements of California law to minimize the risks to children and others.

375.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief Ranger, or his/her designee is required to report the arrest as follows.

375.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief Ranger or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

375.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief Ranger or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

375.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief Ranger or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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375.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief Ranger or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

Public Safety Video Surveillance System

381.1 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.

381.2 POLICY

The California Department of Parks and Recreation 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 State 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 State 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.

381.3 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 District Superintendent, or his/her 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.

381.3.1 CAMERA MARKINGS

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

381.3.2 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, 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

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of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

381.4 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.

381.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

381.4.2 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.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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

381.5 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 Chief of LEES Division and the Attorney General. 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).

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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.

381.5.1 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.

381.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the California Department of Parks and Recreation.

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 Shift Supervisor 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.

381.7 VIDEO SURVEILLANCE AUDIT

The Chief of LEES Division or his/her authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of LEES Division or his/her authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

381.8 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.

Child and Dependent Adult Safety

383.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

383.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The California Department of Parks and Recreation will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

383.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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383.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (d) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

383.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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383.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

383.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

383.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Off-Duty Law Enforcement Actions

389.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the California Department of Parks and Recreation with respect to taking law enforcement action while off-duty.

389.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

389.3 FIREARMS

Officers of this department appointed under the authority of Penal Code § 830.2(f) may carry firearms while off-duty in accordance with federal regulations and department policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officers who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officers's senses or judgment.

389.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

389.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a police officer until acknowledged. Official identification should also be displayed.

389.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

389.4.3 MISCELLANEOUS RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

389.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

389.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Illness and Injury Prevention

392.1 PURPOSE AND SCOPE

The health and safety of the employees of the California Department of Parks and Recreation is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the California Department of Parks and Recreation, in accordance with the requirements of 8 CCR § 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the *Policy Manual*.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

392.2 RESPONSIBILITY

The Administrative Services Supervisor, acting as the Department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

392.3 COMPLIANCE

The Administrative Services Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administrative Services Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

- (a) Informing workers of the provisions of the IIPP.
- (b) Recognizing employees who perform safe work practices.
- (c) Ensuring that the employee evaluation process includes the employee's safety performance.
- (d) Ensuring the Department's compliance with mandates regarding:
 - 1. Bloodborne pathogens (8 CCR § 5193).
 - 2. Airborne transmissible diseases (8 CCR § 5199).
 - 3. Heat illness (8 CCR § 3395).
 - 4. Respiratory protection (8 CCR § 5144).

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Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

392.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

- (a) The Administrative Services Supervisor will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 - 1. New worker orientation, including a discussion of safety and health policies and procedures.
 - 2. Regular employee review of the IIPP.
 - 3. Workplace safety and health training programs.
 - 4. Regularly scheduled safety meetings.
 - 5. Posted or distributed safety information.
 - 6. A system for workers to anonymously inform management about workplace hazards.
 - 7. Establishment of a labor/management safety and health committee, which will:
 - (a) Meet regularly.
 - (b) Prepare a written record of the safety and health committee meeting.
 - (c) Review the results of periodic scheduled inspections.
 - (d) Review investigations of accidents and exposures.
 - (e) Make suggestions to management for the prevention of future incidents.
 - (f) Review investigations of alleged hazardous conditions.
 - (g) Submit recommendations to assist in the evaluation of employee safety suggestions.
 - (h) Assess the effectiveness of the Department's efforts to meet the following mandates:
 - 1. Bloodborne pathogens (8 CCR § 5193)
 - 2. Airborne transmissible diseases (8 CCR § 5199)
 - 3. Heat illness prevention (8 CCR § 3395).

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392.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found at on the California Department of Industrial Relations website.

392.5.1 ADMINISTRATIVE SERVICES SUPERVISOR INSPECTION DUTIES

The Administrative Services Supervisor shall ensure an Identified Hazard and Correction Record (located on the California Department of Industrial Relations website) is completed for each inspection.

392.5.2 PATROL OFFICERS INSPECTION DUTIES

Officers are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Officers shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Officers should forward this report to their supervisor.

392.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Administrative Services Supervisor when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Administrative Services Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

392.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.

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- A record of the findings and corrective actions taken, using the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>).

392.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the Administrative Services Supervisor via the chain of command.

392.8 TRAINING AND INSTRUCTION

The Administrative Services Supervisor shall work with the Training Officer to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- An explanation of the department's IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.

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- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR § 3395).

392.9 RECORDKEEPING

The Administrative Services Supervisor will do the following to implement and maintain IIPP records:

- (a) Make available the Identified Hazards and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (b) Make available the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>) to document individual incidents or accidents.
- (c) Develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (d) Retain inspection records and training documentation for a minimum of one year.

392.10 TRAINING SUBJECTS

The Administrative Services Supervisor should work with the Training Officer to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention
- Back exercises/stretching and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures

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- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards
- Other job-specific hazards

Gun Violence Restraining Orders

393.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

393.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

393.2 POLICY

It is the policy of the California Department of Parks and Recreation to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

393.3 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief Ranger will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Officer to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

393.4 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or

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inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

393.4.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

393.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

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All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

393.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

393.6 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

393.7 RECORDS MANAGER RESPONSIBILITIES

The Chief Ranger or designee is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

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- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

393.8 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

393.9 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

393.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Law Enforcement and Emergency Services Division supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

393.11 POLICY AVAILABILITY

The Deputy Director, Park Operations or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

393.12 TRAINING

The Training Officer should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).